

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF LOUISIANA
3 MONROE DIVISION

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6

STATE OF MISSOURI, et al.,)
7)
Plaintiff,)

8)

vs.)

9)

JOSEPH R. BIDEN, JUNIOR, et)

10 al.,)

11 Defendants.)

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16 TUESDAY, NOVEMBER 29, 2022

17 ZOOM VIDEOTAPED DEPOSITION OF ELVIS CHAN

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24 REPORTER: BALINDA DUNLAP, CSR 10710, RPR, CRR, RMR

ELVIS CHAN 11/29/2022

Page 2

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ELVIS CHAN 11/29/2022

Page 3

1 A P P E A R A N C E S

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ELVIS CHAN 11/29/2022

Page 4

1	INDEX OF EXAMINATION		
2	---o0o---		
3			
4	ELVIS CHAN		PAGE
5			
6	BY MR. SAUER		8
7	BY MR. SUR		308
8			
9	INDEX OF EXHIBITS		
10	---o0o---		
11	NUMBER	DESCRIPTION	PAGE
12	1	Naval Postgraduate School Thesis: Fighting Bears and Trolls: An Analysis of Social Media Companies And U.S. Government Efforts to Combat Russian Influence Campaigns During the 2020 U.S. Election By Elvis M. Chan Dated September 2021 (149 pages)	11
13			
14			
15	2	Email Correspondence, First Email From Elvis Chan to Elvis Chan Dated September 10, 2020 (121 pages)	287
16			
17	6	Defendants' Amended Combined Objections and Responses to Plaintiffs' First Set of Expedited Preliminary-Injunction Related Interrogatories (95 pages)	169
18			
19			
20	8	Declaration of Yoel Roth (4 pages)	216
21			
22	9	Tech CEOs Senate Testimony Transcript Dated October 28 (91 pages)	241
23			
24	13	Audio Transcription of Recording Of Elvis Chan Interview Dated October 28, 2020 (3 pages)	258
25			

ELVIS CHAN 11/29/2022

Page 5

1	INDEX OF EXHIBITS		
2	---o0o---		
3			
4	NUMBER	DESCRIPTION	PAGE
5			
6	15	Audio Transcription of Recording	271
7		Of an Elvis Chan Interview Dated	
8		June 29, 2022 (3 pages)	
9	23	Email Correspondence, First Email	196
10		From Elvis Chan to Patricia Rich	
11		Dated October 4, 2016 (29 pages)	
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

ELVIS CHAN 11/29/2022

Page 6

1 REMOTE VIA ZOOM, CALIFORNIA, NOVEMBER 29, 2022

2 ---o0o---

3 BE IT REMEMBERED that on Tuesday, the 29th
4 day of November 2022, commencing at the hour of
5 9:07 a.m. thereof, remotely via Zoom, California,
6 before me, Balinda Dunlap, a Certified Shorthand
7 Reporter in and for the County of San Francisco,
8 State of California, remotely appeared:

9 THE VIDEOGRAPHER: Okay. Good morning,
10 everyone. We are on the record. Today's date is
11 November 28 -- I'm sorry, 29th, 2022. The time is
12 9:07 a.m.

13 This is the video-recorded deposition of
14 Elvis Chan in the matter of State of Missouri
15 versus Joseph R. Biden, filed in U.S. District
16 Court for the Western District of Louisiana, Monroe
17 Division.

18 This deposition is being held at the U.S.
19 Attorney's Office, Northern District of California,
20 in San Francisco.

21 The reporter's name is Balinda Dunlap. My
22 name is Ruslan Gurzhiy. I am the legal
23 videographer. We are here with Lexitas Legal.

24 Will the attorneys present please
25 introduce themselves and the parties they

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Phone: 1.800.280.3376

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1 represent.

2 MR. SAUER: John Sauer on behalf of the
3 Missouri Attorney General's Office and State of
4 Missouri. I am joined by my colleagues Ken Capps
5 and Todd Scott, as well as John Burns and Jenin
6 Younes on behalf of private plaintiffs.

7 MR. SUR: I am Indraneel; my last name is
8 Sur, S-u-r. I'm at the Phoenix Department of
9 Justice, Civil Division, Federal Programs Branch,
10 representing the defendants in this matter.

11 (Discussion off the record.)

12 THE VIDEOGRAPHER: Okay. Any feedback
13 now? Okay. Somebody hold this. Please continue.

14 MR. SUR: I am Indraneel; my last name is
15 Sur, S-u-r. I am at the United States Department
16 of Justice, Civil Division, Federal Programs
17 Branch; and we are representing the defendants
18 today, and some of my colleagues are as well.

19 MR. BERGER: Okay. I am just announcing
20 myself. I don't know if I am out of order, though.
21 Berger, Lawrence Berger. I represent Elvis Chan.

22 (Discussion off the record.)

23 //

24 //

25 //

ELVIS CHAN 11/29/2022

Page 8

1 ELVIS CHAN

2 called as a witness by the Plaintiff,
3 having been sworn to tell the truth, the whole
4 truth, and nothing but the truth, was examined and
5 testified as follows:

6 EXAMINATION BY MR. SAUER

7 Q. Would you please state your name for the
8 record.

9 A. My name is Elvis Chan, E-l-v-i-s, C-h-a-n.

10 Q. And what's your occupation, sir?

11 A. My title is the Assistant Special Agent in
12 Charge of the Cyber Branch for San Francisco
13 Division of the Federal Bureau of Investigation.

14 Q. How long have you worked for the San
15 Francisco Division of the FBI?

16 A. I have worked for the FBI for over 17
17 years.

18 Q. Have you been in San Francisco the whole
19 time?

20 A. Minus three years at headquarters.

21 Q. Was that in Washington, D.C.?

22 A. Yes. From 2011 to 2014.

23 Q. Have you ever given a deposition before?

24 A. No, I have not.

25 Q. Is this your first deposition?

1 A. Yes. This is my first civil deposition.

2 Q. How about criminal depositions?

3 A. I have not given criminal depositions
4 before.

5 Q. Can I just go over a few kind of common
6 ground rules with you?

7 First of all, as I'm asking the questions
8 today, can you listen carefully to the question
9 that I'm asking and answer the question that I ask?
10 Can you do that?

11 A. Yes.

12 Q. And if you don't understand the question,
13 could you please ask me for clarification instead
14 of guessing at what my meaning might be in
15 responding to a question that you're not sure is
16 what I'm asking? Can you do that?

17 A. Yes.

18 Q. And can you and I be careful not to
19 interrupt each other, just because that makes the
20 record unclear and life difficult for the court
21 reporter?

22 A. Yes.

23 Q. Also, could you be careful to respond with
24 actual oral responses, not with head-shakes and
25 "huh-uhs" and "uh-huhs" and things like that, just

1 so that the record's clear? For example, "yes" and
2 "no," not "uh-huh" and not nodding or shaking the
3 heads; can you do that?

4 A. Yes.

5 Q. And in addition, let's both -- I think we
6 both are fast talkers, especially me. Can we both
7 make an effort to talk slowly enough today so that
8 the court reporter has a chance to take down what
9 we're saying?

10 A. Yes.

11 Q. Can you describe your educational
12 background?

13 A. I graduated from the University of
14 Washington with a bachelor of science degree in
15 chemical engineering and chemistry, and then I
16 graduated from the Naval Postgraduate School with a
17 master of arts in homeland security studies.

18 Q. When did you graduate from the Naval
19 Postgraduate School?

20 A. Last year, 2021, in September.

21 Q. Oh, and you got a -- did you say you got
22 an MA there?

23 A. Yes.

24 Q. Did you do a thesis in connection with
25 that -- that degree?

ELVIS CHAN 11/29/2022

Page 11

1 A. Yes, I did.

2 Q. What was the title of the thesis?

3 A. "Fighting Bears and Trolls:" Russian
4 disinformation against the 2020 elections and the
5 social media companies and U.S. government
6 countermeasures.

7 Q. I am showing you a document previously
8 marked as Exhibit 1. Is this, in fact, a copy of
9 that thesis?

10 (Reporter marked Exhibit No. 1 for
11 identification.)

12 THE WITNESS: Yes, that is a copy of that
13 thesis.

14 Q. BY MR. SAUER: Okay. You are listed as
15 the sole author there on the first page?

16 A. That is correct.

17 Q. Okay. And again, as you've noted earlier,
18 this is, I think, dated just over a year ago,
19 September of 2021, correct?

20 A. That is correct.

21 Q. Can I just -- can you kind of generally
22 characterize what this thesis is about? You know,
23 what's the topic? What are you investigating,
24 researching or defending?

25 MR. SUR: Objection; compound.

1 **Q. BY MR. SAUER: You may answer.**

2 A. Okay. So my thesis, the synopsis of it is
3 I examined Russian malign-influence activities,
4 specifically on social media platforms, ahead of
5 and during the 2020 elections. And then I examined
6 the actions taken by three social media companies;
7 specifically Google; Meta, which was previously
8 Facebook; and Twitter; and then I also examined the
9 U.S. government's countermeasures against Russian
10 actions.

11 **Q. When you say "Google," do they operate**
12 **YouTube?**

13 A. Yes, they do.

14 **Q. So your reference to Google would**
15 **encompass YouTube; investigating, you know, these**
16 **kinds of issues on YouTube as well?**

17 A. That is correct. And if I may add, when I
18 reference Meta or Facebook, I mean all of the
19 Meta-associated products, which include Facebook,
20 Instagram and WhatsApp.

21 **Q. Would that include Nextdoor too?**

22 A. It would not include Nextdoor.

23 **Q. Is that is not a Meta app?**

24 A. It is not a Meta-owned company.

25 **Q. Okay. You referred to, I think, Russian**

1 **malign-influence activities. Can you describe what**
2 **-- what does that mean?**

3 A. So there are -- in my thesis, there are --
4 there's a description of two types of Russian
5 malign-influence activities. I am specifically
6 talking about online activities.

7 The first type of activity is what is
8 known generally as a hack-and-dump activity. I
9 think the best example I would have of that is the
10 hack of the Democratic National Committee and the
11 DCCC, the Democratic Congressional Campaign
12 Committee, in 2016; hacking of their servers; and
13 then the leaking or dumping of their information on
14 the Internet over the course of the 2016 election
15 season. That is one type of Russian malign
16 influence, but I do not focus on that in the
17 thesis. I do reference it.

18 The second type of Russian malign
19 influence that I discuss in the thesis itself is on
20 the social media platforms and on fake news
21 websites that the Russians have created.

22 **Q. And is there a connection between those?**
23 **Like, the fake news sites, do those get, you know,**
24 **boosted up to social media platforms by the**
25 **Russians?**

1 A. Yes. From my thesis, I was able to
2 determine that the social media platforms were used
3 to direct viewers from the social media platforms
4 to the fake news sites being controlled by Russian
5 state-sponsored actors.

6 **Q. And those viewers, I take it, would**
7 **include American citizens who were being**
8 **principally targeted by these activities?**

9 MR. SUR: Objection; vague.

10 **Q. BY MR. SAUER: Were they --**

11 A. I am not sure, but it would be -- I'm not
12 sure of who the viewers would be, but whoever would
13 look at the fake Russian accounts and click on the
14 link or be directed to the website. But I do not
15 know who the specific users are.

16 **Q. Does your thesis have evidence that people**
17 **actually did that? In other words, that people**
18 **actually clicked through and accessed the Russian**
19 **fake news sites?**

20 MR. SUR: Objection; compound.

21 THE WITNESS: So my thesis -- my thesis
22 was based on the report of both the social media
23 companies as well as third parties, such as
24 Graphika. So I relied on their analysis of the
25 direct data.

1 **Q. BY MR. SAUER: Did their analysis indicate**
2 **that there had been, in fact, that kind of**
3 **engagement of viewers of the social media accounts**
4 **to go through to the fake news sites?**

5 A. From both the social media company
6 standpoint, the answer is yes; but in general, I
7 was told that it was a, quote/quote, low
8 engagement, from what they could tell.

9 And then from the third-party reports,
10 they did not characterize it as much. They said
11 that they believed that viewers could be directed,
12 but they did not say who the amount were or the
13 percentage of any of those viewers.

14 **Q. And did your research indicate a higher**
15 **level of engagement with the kind of fake social**
16 **media accounts operated by the Russians than the**
17 **fake news websites?**

18 A. Yes. In general, yes.

19 **Q. Let me ask this: You referred a minute**
20 **ago to U.S. government countermeasures, I believe.**
21 **Can you describe, just generally, what sort of U.S.**
22 **government countermeasures do you discuss in the**
23 **thesis?**

24 A. So there were three U.S. government
25 countermeasures that I discussed in the thesis.

ELVIS CHAN 11/29/2022

Page 16

1 Number one was an initiative that the FBI took
2 called the Protected Voices Initiative. That was
3 actually focused on hack-and-dump operations. And
4 the Protected Voices Initiative was cybersecurity
5 briefings and awareness training provided for all
6 the national-level political committees, such as
7 the RNC, the DNC, the RSCC, the DCCC. Briefings
8 were provided by our Washington field office.

9 And then briefings were also provided to
10 the vast majority of the presidential candidates
11 for the 2020 election season. I think there were
12 approximately two dozen of those presidential
13 candidates that were provided -- them and their
14 senior staff were provided cybersecurity briefings.
15 That was one of the measures that was taken.

16 A second measure that was taken was the
17 information sharing with the private sector
18 companies, where we shared both strategic-level
19 information as well as tactical information.

20 And then the third -- the third measure I
21 think I mentioned in the thesis was that -- the
22 CISA Act, the formation of the Cybersecurity and
23 Information Security Agency in 2018 and their
24 ability to provide state, county and local election
25 officials with both grants, federal grants to

1 improve their infrastructure as well as with
2 cybersecurity training.

3 Q. Okay. That was -- you said a lot there,
4 and I just want to ask you a few follow-up
5 questions to kind of unpack it.

6 I think you said the second U.S.
7 government countermeasure was information sharing;
8 is that right?

9 A. That's correct.

10 Q. What is a --

11 A. I might have the order incorrect. I
12 haven't looked in my thesis since over a year, but
13 yeah.

14 Q. Well, let me ask you this: Information
15 sharing, you know, is that information sharing
16 between federal agencies and social media
17 platforms?

18 A. That is information sharing between the
19 FBI and the -- in the thesis I focus on the three
20 social media companies.

21 Q. So -- so specifically your thesis focuses
22 on information sharing between the FBI and
23 basically Facebook, Google and Twitter, right?

24 A. That is correct.

25 Q. Yeah. Is there other information sharing

ELVIS CHAN 11/29/2022

Page 18

1 **that happened by other federal agencies on issues**
2 **that relate to this?**

3 MR. SUR: Objection; lacks foundation,
4 vague.

5 **Q. BY MR. SAUER: If you know.**

6 A. I am generally aware that other federal
7 agencies want to do private sector engagement, but
8 I am not familiar with the frequency of the
9 information sharing or the type of information
10 sharing.

11 **Q. Do you know which other federal agencies**
12 **do that?**

13 MR. SUR: Objection; vague, lacks
14 foundation.

15 THE WITNESS: I have been -- I am aware
16 specifically that CISA, the Cybersecurity and
17 Infrastructure Security Agency, does information
18 sharing in terms of elections with the social media
19 companies.

20 **Q. BY MR. SAUER: To the extent you know,**
21 **what kind of information sharing do they do?**

22 A. All of the information that I have
23 personally witnessed comes through what CISA has
24 called the "industry working group." That includes
25 the three social media companies I mentioned. And

ELVIS CHAN 11/29/2022

Page 19

1 the type of information that they have shared is
2 generally about when the primaries for each state
3 happen and then to highlight anything that they
4 believe is a -- unique or different from
5 standard -- or from what is considered normal.

6 For example, like an Iowa caucus is not a
7 normal type of primary. Most states do not run
8 caucuses, so they will highlight something like an
9 Iowa caucus. They will also highlight the election
10 methods that are used in different states, whether
11 it be a paper ballot or an electronic device, like
12 a touch-screen device.

13 **Q. That industry working group, do you**
14 **personally participate in that?**

15 A. I have participated in several of them.

16 **Q. How often do they occur?**

17 A. For the year 2020, I think for the first
18 half of the year they occurred quarterly. So I
19 think, you know, every three months.

20 And then for the last half of the year, I
21 want to say around the June, July time frame, it
22 moved to monthly.

23 **Q. How about in 2022?**

24 A. In 2022 I believe they were about the
25 same. It happened quarterly. And then I believe

1 ahead of the midterm elections they moved to
2 monthly; except due to my conflicting schedule, I
3 believe I was only able to attend about three of
4 the meetings this year.

5 **Q. When you say "attend," are these all done,**
6 **you know, by Zoom? Or are there -- is there a big**
7 **kind of in-person meeting?**

8 A. And I have attended via videoconference,
9 and it's not Zoom. It's typically whatever the
10 private sector companies want to use. So I have
11 seen Cisco Webex or BlueJeans. Those are the two I
12 remember.

13 **Q. Do a lot of companies participate in these**
14 **meetings?**

15 A. Yes. Several companies participate in
16 these meetings.

17 **Q. Okay. But which ones, do you recall?**

18 A. I do -- I do recall. I don't know if
19 that's law enforcement sensitive or not. I don't
20 know if the companies want to be disclosed.

21 **Q. Please tell us on the record what**
22 **companies participated.**

23 A. Meta --

24 MR. BERGER: Yeah, Elvis, is this -- is it
25 classified or protected? How do you -- what's your

1 understanding of the classification of this
2 information?

3 THE WITNESS: My understanding is that
4 this is -- that this is sensitive information and
5 that the --

6 MR. BERGER: All right. I'll direct
7 you -- I'll direct you not to disclose it. We'll
8 have to take it to the judge.

9 MR. SAUER: Okay. Is this a -- okay. You
10 realize the government has already disclosed that
11 information in interrogatories for this case.

12 (Discussion off the record.)

13 MR. SAUER: You realize this information
14 has already been disclosed by the government in
15 their interrogatory responses in this case.

16 And in addition to that, there is no
17 privilege of law enforcement sensitive. There is a
18 law enforcement investigative files privilege that
19 is clearly inapplicable here.

20 And also, are both counsel going to
21 instruct the witness not to answer questions here?

22 MR. BERGER: Well, if it's already been
23 disclosed in interrogatories, why don't you ask him
24 based on -- you know, give him the names that have
25 already disclosed.

ELVIS CHAN 11/29/2022

Page 22

1 MR. SAUER: I'd like to cross-verify the
2 information I got from the government from someone
3 who personally participated in the meetings, and
4 I'm entitled to do that.

5 MR. SUR: Counsel, if I may, I -- do you
6 think it would be helpful to have a break at this
7 point to sort this out?

8 MR. SAUER: Yeah. We can go off the
9 record.

10 MR. SUR: Okay.

11 MR. SAUER: Okay.

12 THE VIDEOGRAPHER: Off the record -- off
13 the record at 9:27 a.m.

14 (Whereupon a recess was taken.)

15 THE VIDEOGRAPHER: We are back on the
16 record at 9:37 a.m.

17 MR. SAUER: So, Counsel, where are we?
18 Are you standing on that objection?

19 MR. BERGER: I withdraw the objection. Go
20 ahead.

21 MR. SAUER: Yeah. Thank you. As a
22 process point, I am requesting that one attorney
23 make the objections and represent him in this
24 deposition, not two. Now, I have no problem if
25 Mr. Berger wants to flag something for Mr. Sur.

1 But I understand that Mr. Sur is defending the
2 deposition, not Mr. Berger. So if you've got an
3 issue, I don't mind if you guys want to talk about
4 it, but I don't want to have multiple -- multiple
5 attorneys objecting and instructions being started.
6 Can we proceed on that basis from now on?

7 MR. SUR: We intend to do so. There may be
8 some exceptional circumstances that warrant a
9 different approach, but that's how we expect to
10 proceed.

11 MR. SAUER: I am fine to hear that. You
12 know, if things come up that raise an issue, you
13 know, we can -- we can raise them. But, yeah,
14 anyway, all right. I mean, to be clear, you know,
15 any law enforcement privilege is held by the
16 government, not by Mr. Chan's personal capacity,
17 and Mr. Sur is the one who is there to represent
18 the government today.

19 **Q. So -- but anyway, okay. Mr. Chan, or**
20 **Agent Chan, who do you recall on the social media**
21 **platform side participating in these -- in these**
22 **working group meetings that you have been**
23 **testifying about from 2020 and 2022?**

24 A. The companies that I remember attending
25 the meetings are Facebook; Microsoft; Google;

1 Twitter; Yahoo!, which may have been known as
2 Verizon Media at the time; Wikimedia Foundation and
3 Reddit.

4 **Q. Do you remember any others at this time?**

5 A. I think I listed seven. I -- those were,
6 like, the regular participants that I can remember.

7 **Q. How about on the U.S. government side,**
8 **what agencies were represented at these meetings?**

9 A. At these meetings, CISA is the host and
10 facilitator for the meeting. They also invite
11 another component of Department of Homeland
12 Security called Intelligence and Analysis, I&A, so
13 DHS I&A I know attends. The Office of the Director
14 of National Intelligence, ODNI, attends. And then
15 from the FBI there is typically a representative
16 from the FBI's Foreign Influence Task Force, which
17 you will hear me abbreviate as FITF regularly. And
18 then I attend from FBI San Francisco when I am
19 available.

20 **Q. And why are you included in particular?**

21 A. The reason that I attend these meetings is
22 because the way the FBI works is FBI field offices
23 are responsible for maintaining the day-to-day
24 relationships with the companies that are
25 headquartered in their area of responsibility,

1 which I may occasionally abbreviate to AOR. And
2 all of the companies that have been listed, with
3 the exception of Microsoft, are all headquartered
4 in FBI San Francisco's territory.

5 **Q. Now, where is Microsoft headquartered?**

6 A. They are headquartered in Redmond,
7 Washington.

8 **Q. And then on the CISA side in particular,**
9 **what individuals participate in these meetings?**

10 A. Typically there are senior-level -- what I
11 believe are senior-level officials. The two that I
12 specifically remember are Matt Masterson and Brian
13 Scully.

14 **Q. Is that Matt Masterson, did you say?**

15 A. Yeah. Yeah, Matthew Masterson and Brian
16 Scully are the two regular attendees. And they are
17 usually -- one or both of them -- one -- either one
18 of them is usually emceeding the meeting.

19 **Q. So Brian Scully, do you know him**
20 **personally?**

21 A. I know him just through work.

22 **Q. Okay. In what connection at work?**

23 A. And I only know -- I only know
24 Mr. Masterson through work as well.

25 **Q. When you say you know him through work,**

1 **did you work together on anything other than these**
2 **meetings?**

3 A. So we have met -- I want to say I have met
4 in person with each of those individuals, twice in
5 person; but they are primarily through either the
6 preparatory calls for these meetings that they are
7 hosting or the meetings themselves.

8 Q. **So you work with CISA in preparatory calls**
9 **for these industry working group meetings?**

10 A. Yes.

11 Q. **And in that connection, you've met Brian**
12 **Scully and Matt Masterson, correct?**

13 A. Yes.

14 Q. **And Brian Scully is involved in kind of**
15 **leading or emceeding these meetings; is that right?**

16 MR. SUR: Objection; vague.

17 Q. **BY MR. SAUER: Or is he the -- is he the**
18 **leader of the meeting when it convenes?**

19 A. For the 2020 election cycle, Mr. Masterson
20 was the primarily -- he was primarily the
21 facilitator. Ahead of the 2022 midterm elections,
22 Mr. Scully has been the primary facilitator.

23 Q. **Was that because Mr. Masterson left CISA**
24 **in the -- in the intervening time?**

25 A. Yes.

ELVIS CHAN 11/29/2022

Page 27

1 Q. Do you know where he works now?

2 A. Yes. I believe he works at Microsoft now.

3 Q. Do you -- do you interact with him now as
4 a representative of a -- of a tech company?

5 MR. SUR: Objection; vague.

6 THE WITNESS: I have only interacted with
7 him on two occasions. One was when he showed up at
8 one of the more recent industry meetings ahead of
9 the 2022 midterm elections. That is when I
10 discovered that he went to Microsoft. And then I
11 asked him to send me his new contact information
12 during the call, and then he sent me an email and
13 provided me with his new contact information.

14 Q. BY MR. SAUER: You work with CISA on these
15 industry working group meetings to help prepare
16 them, what's the nature of your involvement in
17 preparing for these meetings? Do you kind of set
18 the agenda or -- you know, what's your involvement?

19 MR. SUR: Objection; vague and compound
20 and implicates the deliberative process privilege.

21 MR. SAUER: Let me rephrase the question.

22 Q. Are you involved in preparing for these
23 meetings?

24 A. No. I participate in the preparation
25 meetings, but I do not provide any agenda items.

ELVIS CHAN 11/29/2022

Page 28

1 Q. Do you remember anyone else at CISA
2 besides Mr. Scully and Mr. Masterson who
3 participates in these meetings?

4 A. I don't recollect any other people's names
5 at this time.

6 Q. Were there others who participated in --
7 but you just don't remember who they were?

8 A. Yes, that is correct.

9 Q. Okay. Let me -- do you still have Exhibit
10 1 on the screen in front of you, your thesis?

11 A. Yes.

12 Q. Okay. Let me ask -- let's turn back to
13 that for a little while. And if we could, I am
14 going to scroll ahead to your abstract on Page v.
15 Can you see that clearly, Roman numeral v.

16 MR. SUR: Roman numeral v. Okay.

17 THE WITNESS: Yes, I see it now.

18 Q. BY MR. SAUER: And can you see it also on
19 the screen share as well as on the iPad? I want to
20 make sure you can see the document in both places
21 as we go forward today.

22 A. I can see the bottom half of one
23 paragraph, and then -- wait, now -- now I see --
24 yeah, I see the bottom paragraph of the --

25 Q. Actually, can I -- can I direct your

1 attention this sentence here in your abstract that
2 I am highlighting? I guess, actually, for context,
3 if you see above -- actually, just focus on that
4 sentence. "This" -- you say, "This thesis finds
5 that the Russians shifted their tactics from 2016
6 to 2020," right?

7 A. Correct.

8 Q. And then you say, "Still, the U.S.
9 government and social media companies effectively
10 impeded their influence campaigns primarily through
11 information sharing and account takedowns,
12 respectively," correct?

13 A. Correct.

14 Q. What do you mean by "information sharing"
15 here?

16 A. So "information sharing" is meant --
17 there -- as I mentioned previously, there are two
18 types of information that the U.S. government,
19 specifically the FBI, shares with the social media
20 companies. The first type of information, the
21 strategic information, which discusses the tools,
22 tactics or processes, shortened to be TPPs, used by
23 the Russians.

24 The second type of information shared by
25 the U.S. government is tactical information. And

1 when I mean tactical information, I specifically
2 mean indicators or selectors. And both of those
3 are a term of art within the cybersecurity
4 industry. And indicators or selectors include IP
5 addresses, email accounts, social media accounts,
6 well, website domain names, and, like, file hash
7 values.

8 Q. Sorry. Say the last thing. What kind of
9 hash values?

10 A. File, like electronic file hash values.

11 Q. Okay. And so, yeah, I take it the
12 strategic information is kind of high-level advice
13 to the social media platforms about, you know, the
14 kinds of -- kinds of campaigns the Russians might
15 be conducting; is that fair to say?

16 MR. SUR: Objection; lacks foundation.

17 THE WITNESS: I would not -- I would not
18 characterize the information we share as advice.

19 Q. BY MR. SAUER: Okay. Then in that case it
20 is sort of -- is it high-level general information
21 about what FBI understands the Russians are
22 engaging in when it comes to social media influence
23 campaigns?

24 MR. SUR: Objection; lacks foundation.

25 THE WITNESS: Yes.

ELVIS CHAN 11/29/2022

Page 31

1 **Q. BY MR. SAUER: And then -- go ahead.**

2 **Sorry. Go ahead.**

3 A. I can provide an example if that would be
4 illustrative.

5 **Q. That would be super helpful. Please do.**

6 A. I had the 2020 elections, through our
7 investigation of the Internet Research Agency, we
8 discovered that they were trying to set up a base,
9 as it were, or set up offices in western Africa.
10 We shared this type of strategic information with
11 the social media companies. They were able to use
12 whatever detection methods they have to discover
13 that there were Russian troll farms being set up
14 specifically in Ghana and Nigeria.

15 **Q. Okay. And so you mentioned earlier that**
16 **tactical -- that would be strategic information?**

17 A. That would be strategic. To summarize, an
18 example would be we believe the Russian troll
19 farms, specifically the Internet Research Agency,
20 is trying to make inroads in western Africa.

21 **Q. Got you. And then tactical information**
22 **would be much more specific. Here are specific --**
23 **I think you said IP addresses, websites, social**
24 **media accounts, that are actually -- the FBI has**
25 **concluded are being operated by the Russians. Is**

1 that what tactical information is?

2 A. That is correct.

3 Q. So there is -- and so is there information
4 sharing from the FBI to social media platforms
5 providing that kind of specific tactical-level
6 information?

7 A. Yes, there is.

8 Q. And I think your -- that then the timeline
9 in your thesis goes on specifically with
10 "information sharing and account takedowns." Does
11 "account takedowns" refer to the social media
12 platforms kind of taking down those social media
13 accounts where the FBI identifies them as being
14 operated by Russian actors?

15 MR. SUR: Objection; lacks foundation.

16 THE WITNESS: So the FBI shares
17 information with the social media companies, no
18 strings attached, so that the social media
19 companies can protect their platforms as they deem
20 appropriate. And from what I have observed and
21 what they have told me when we have provided them
22 with high confidence of Russian selectors, that
23 they have been able to discover fake Russian
24 accounts and take them down.

25 Q. BY MR. SAUER: So you don't control what

1 they do, correct?

2 A. I do not control what they do.

3 Q. But you provide them with information that
4 they don't have about the source of certain -- you
5 called them selectors or social media accounts,
6 correct?

7 A. Correct.

8 Q. And when you provide them with that
9 information, they take it and they pull down those
10 accounts, at least sometimes, fair to say?

11 MR. SUR: Objection; lacks foundation.

12 THE WITNESS: If I can clarify, what they
13 do is they take the information that we share, they
14 validate it through their own means. And then if
15 they determine that these are accounts being
16 operated by Russian state-sponsored actors, then
17 they have taken them down.

18 Q. BY MR. SAUER: Oh, okay. And then -- and
19 that's, I -- I take it, part of the point of your
20 sharing the information with them, right? So that
21 they can assess and evaluate and then ultimately,
22 if they agree with your conclusion, take them down,
23 correct?

24 A. Correct.

25 Q. In other words, the purpose of the

ELVIS CHAN 11/29/2022

Page 34

1 information sharing on the FBI's side is to have
2 the inauthentic Russian accounts taken down so that
3 they are not influencing political discourse in the
4 United States, correct?

5 MR. SUR: Objection; lacks foundation,
6 calls for speculation.

7 THE WITNESS: I would characterize it as
8 the FBI provides information to these companies so
9 that they can protect their platforms as they deem
10 appropriate, and they can take whatever actions
11 they deem appropriate without any suggestion or
12 interference from the FBI.

13 Q. BY MR. SAUER: But my question's a little
14 different, which is what -- my question is: Part
15 of the purpose from the FBI's perspective is to
16 give them the tools to assess and potentially take
17 down accounts that the FBI has deemed to be
18 inauthentic, correct?

19 MR. SUR: Objection; lacks foundation,
20 calls for speculation.

21 Q. BY MR. SAUER: You may answer.

22 A. So I would say -- inauthentic -- so my
23 focus is on Russian state-sponsored, -controlled
24 accounts. And so whether the companies take them
25 down or not, it's their own choice.

1 Q. Right, but is it your purpose in giving
2 them the information that the FBI believes or has
3 concluded that they are Russian-operated accounts,
4 is it your purpose to equip them to take them down
5 if they end up agreeing with your assessment?

6 MR. SUR: Objection; lacks foundation,
7 calls for speculation.

8 THE WITNESS: My purpose is to share the
9 information with them so that they can protect
10 their platforms as they deem appropriate.

11 Q. BY MR. SAUER: And one way to protect
12 their platforms is to take down these accounts,
13 correct?

14 A. That is correct.

15 Q. And, in fact, that's what you say here in
16 this sentence, right? You say that, "the U.S.
17 government and social media companies effectively
18 impeded their influence campaigns...through
19 information sharing and account takedowns," right?

20 A. I said that. You can see -- I put
21 "respectively" because it was the U.S. government,
22 specifically the FBI, sharing information; and it
23 was the social media companies doing the account
24 takedowns.

25 Q. Right. And the joint result of that was

ELVIS CHAN 11/29/2022

Page 36

1 **effectively impeding Russian influence campaigns,**
2 **correct?**

3 A. Correct.

4 Q. And -- and that's FITF's goal, right? To
5 **effectively impede Russian influence campaigns,**
6 **right?**

7 MR. SUR: Objection; lacks foundation,
8 calls for speculation.

9 THE WITNESS: Yeah, FITF -- my
10 understanding of FITF's goal is to counter malign
11 foreign-influence campaigns.

12 Q. BY MR. SAUER: Does that include
13 **effectively impeding their influence campaigns, as**
14 **you say in your thesis?**

15 A. Yes.

16 Q. Does that include doing so through account
17 **takedowns by information sharing with social media**
18 **platforms?**

19 MR. SUR: Objection; lacks foundation,
20 mischaracterizes the testimony.

21 THE WITNESS: Yeah, I believe you're
22 mischaracterizing. So like I said before, the FBI
23 shares information with no strings attached and no
24 expectations to -- for the companies. And the
25 companies, they can protect their own platforms.

1 MR. SAUER: I am going to jump ahead to
2 page little Roman xvii.

3 You can see there, Indraneel, it's going
4 to be on Page 19 of the PDF. See that?

5 MR. SUR: Yep. Yeah, we're on it.

6 Q. BY MR. SAUER: Okay. I believe this is a
7 kind of summary section of your thesis. You talk
8 about in this paragraph here that begins with, "The
9 U.S. government's response," that I have
10 highlighted; do you see that?

11 A. Yes.

12 Q. And you say, "The U.S. government's
13 response to the Russian influence campaign appeared
14 more robust before the 2020 elections than in the
15 2016 or 2018 elections," correct?

16 A. Correct.

17 Q. And then in the next sentence, you say,
18 "The most important actions taken by the U.S.
19 government may have been the information sharing
20 with the social media companies to expose Russia's
21 different operations and shut down its accounts,"
22 correct?

23 A. Correct.

24 Q. So the information sharing was done, "To
25 expose Russia's different operations and shut down

1 **its accounts," right?**

2 A. Correct.

3 **Q. And then "its" refers to Russia, right?**
4 **So (as read) "to expose Russia's different**
5 **operations and shut down Russia's accounts,"**
6 **correct?**

7 A. Correct.

8 **Q. I am going to jump ahead a few pages to**
9 **Page xxii.**

10 MR. SAUER: And, Indraneel, if you're
11 following on your iPad, that's going to be Page 24
12 of the PDF.

13 **Q. There's a reference here in the**
14 **acknowledgments where you refer to, "My colleagues**
15 **back at headquarters who were in the trenches with**
16 **me as we worked to protect the 2020 elections."**
17 **See that?**

18 A. Yes.

19 **Q. Okay. What are you talking about there**
20 **where it says (as read), "in the trenches with you**
21 **as you worked to protect the 2020 elections"?**

22 A. I'm referring to my colleagues
23 specifically at the Foreign Influence Task Force
24 who participated in the meetings with me, who
25 provided briefings to the companies and who

1 coordinated the information sharing.

2 **Q. And so you said you had meetings with the**
3 **companies. What meetings did you have?**

4 A. We had -- let me be more clear. I hosted
5 meetings, bilateral meetings between each of the
6 companies I mentioned and the Foreign Influence
7 Task Force.

8 And we would also bring in field offices
9 that had investigations related to malign foreign
10 influence by state-sponsored actors. We would also
11 bring in field offices that had cyber
12 investigations. And when I mean cyber
13 investigations, I mean state-sponsored actors that
14 the FBI was investigating that we believe were
15 capable of hack-and-dump campaigns that we observed
16 in the 2016 election.

17 **Q. Okay. Let me unpack that a bit.**

18 **First of all, you said there were meetings**
19 **with social media companies, between you and social**
20 **media companies during the 2020 election cycle,**
21 **correct? Is that what we're talking about?**

22 A. Yes, that is correct.

23 **Q. Now, did those meetings also continue in**
24 **the 2022 election cycle?**

25 A. Yes. They occur at roughly a quarterly

ELVIS CHAN 11/29/2022

Page 40

1 cadence.

2 Q. And then do they -- does the cadence
3 increase as elections get close?

4 A. Yes, they do. And --

5 Q. Now, does that become monthly as the
6 election nears and then weekly very close to the
7 elections?

8 A. Ahead of the 2020 elections, that is
9 correct. Ahead of the 2022 elections, we moved it
10 from quarterly to monthly, and then we just had one
11 meeting a week ahead of the midterm elections.

12 Q. I'm sorry. You said you had one weekly
13 meeting ahead of the midterm elections?

14 A. Right. We had one meeting a week before
15 the midterm elections.

16 Q. Oh, and how long was the -- how long was
17 that period of weekly meetings? Was that, like,
18 the month before or the three months before?

19 A. No. Just the week before the election
20 itself.

21 Q. Oh, okay. There was one weekly meeting,
22 right, the week before the election?

23 A. Yeah. There was -- yeah. So there was a
24 monthly meeting in October; and then we had another
25 meeting out of -- you know, out of cadence the week

ELVIS CHAN 11/29/2022

Page 41

1 before the election, so the end of October.

2 Q. And then are these meetings going back to
3 quarterly now that the election has passed?

4 A. That is correct.

5 Q. And so you're -- you'll have quarterly
6 meetings with the social media companies going
7 forward until the 2024 election cycle gets closer?

8 A. That is what I anticipate.

9 Q. And then as that election gets closer,
10 then you'll move to monthly and eventually weekly a
11 couple years from now, or in the fall of 2024; is
12 that fair to say?

13 MR. SUR: Objection; calls for
14 speculation.

15 THE WITNESS: That is what I anticipate.

16 Q. BY MR. SAUER: Let me ask you this: What
17 social media companies are involved in these
18 meetings?

19 MR. SUR: Objection; vague.

20 THE WITNESS: Currently or in 2020?

21 Q. BY MR. SAUER: Well, let's start with
22 2020. I'd like to know both. Let's start with
23 2020, please.

24 A. So for the 2020 elections, we regularly
25 met with Facebook, Google, Twitter, Yahoo!, Reddit

1 and LinkedIn.

2 **Q. Okay. And then who did you -- which**
3 **social media companies did you meet with in 2022?**

4 A. The same companies; and we -- less -- not
5 on a quarterly basis, but on a periodic basis,
6 maybe twice this year, we also met with Apple and
7 Wikimedia Foundation.

8 **Q. Does Apple operate social media platforms?**

9 A. They do not.

10 **Q. Then why did they get added to this -- the**
11 **list?**

12 A. They were added because they are a cloud
13 infrastructure company; and we believe that
14 tactical information, specifically indicators that
15 we shared with them related to
16 foreign-state-sponsored actors, might pop up on
17 any -- any screening they do on iCloud.

18 **Q. How about in the 2018 election cycle, did**
19 **these meetings happen back then?**

20 A. Yes, they did. On a quarterly cadence.

21 **Q. And did they ever get to monthly or weekly**
22 **back then?**

23 A. I don't recollect. They may have, but I
24 don't recollect at this time.

25 **Q. You -- what -- let me ask this: What**

ELVIS CHAN 11/29/2022

Page 43

1 kinds of people are you meeting with from these
2 social media platforms? Is this members of the
3 trust and safety teams of these platforms?

4 MR. SUR: Objection; vague.

5 THE WITNESS: There are typically two
6 types of people that we meet at these companies --
7 and when I mean types, I mean roles. So as you
8 mentioned, one role of person that we typically
9 meet is a trust and safety or site integrity or
10 cybersecurity. Like, so a security function person
11 or team of people.

12 And then we meet with their attorneys too.
13 So typically there is a security counsel or trust
14 and safety counsel.

15 Q. BY MR. SAUER: And those trust and safety
16 and site integrity teams, they are responsible for
17 defending those platforms from kind of hacking
18 attempts and things like that, right?

19 MR. SUR: Objection; vague, assumes facts
20 not in evidence.

21 THE WITNESS: That is my understanding.

22 Q. BY MR. SAUER: And then they are also, I
23 take it, in charge of enforcing the -- you know,
24 the terms of service or the content modulation
25 policies at those platforms; is that right?

ELVIS CHAN 11/29/2022

Page 44

1 A. That is my understanding.

2 Q. Let me ask you this: With respect to
3 Facebook, who do you meet with on the trust and
4 safety team?

5 A. In what context? Specifically for the
6 FITF meetings?

7 Q. Well, let's start with those, and then
8 I'll ask you about other contexts. Yeah, these
9 sort of quarterly, monthly, then weekly cadence
10 meetings we have been talking about, who attends
11 from the kind of trust and safety or site integrity
12 group from Facebook?

13 A. From, yeah, the trust and safety side of
14 that house, the people that I typically meet with
15 are Emily Vacher, Ryan Kelly, Mike Devilotski, Mike
16 Torrey. The -- those are the senior-level
17 officials. They are either manager- or
18 director-level officials. And typically the --
19 they have investigators or analysts under them, but
20 that's kind of rotating and on an ad hoc basis --
21 on an as-needed basis. I don't recollect the names
22 of most of the analysts.

23 Q. Do you interact with Facebook employees in
24 other contexts?

25 MR. SUR: Objection; vague.

1 THE WITNESS: Yeah. The majority of my
2 interaction with Facebook is not in the
3 disinformation or malign-foreign-influence realm.
4 It is actually for things related to my -- to the
5 Cyber Branch, which are specifically cyber
6 investigations.

7 Q. BY MR. SAUER: How about Twitter? Who do
8 you meet with at Twitter when it relates to
9 disinformation and malign-foreign-influence
10 operations?

11 A. The same as with Facebook. I meet with
12 trust and safety/site integrity people, and then I
13 meet with their security counsel.

14 Q. And then what -- what human beings at
15 Twitter from the trust and safety/site integrity
16 group do you meet with?

17 A. The head of site integrity until the day
18 after the midterm elections that I met with was
19 Yoel Roth, and his senior manager is Will Newland.
20 But they have both told me they are no longer with
21 the company.

22 Q. Do you have any new contacts at Twitter
23 now?

24 A. I was provided their counterpart in the
25 Dublin, Ireland, office; and I believe his name was

1 Aaron Roderick. I have only exchanged like two
2 emails with him.

3 Q. So but up until quite recently, your
4 principal trust and safety contacts at Twitter were
5 Yoel Roth and Will Newland?

6 A. That is correct.

7 Q. But they are both senior- or
8 management-level officials in site integrity or
9 trust and safety?

10 A. That is my understanding.

11 Q. Anyone else at Twitter that -- who would
12 participate in meetings that relate to malign
13 foreign influence or disinformation?

14 A. Yes. On the attorney side, they regularly
15 had several security counsels attend. And the
16 senior official at the time of the 2020 elections
17 was Angela Sherrer, but she is also no longer with
18 the company.

19 Q. Okay. And then how about Google, who do
20 you -- or who do you meet with at Google about
21 disinformation and malign-foreign-influence
22 activities?

23 A. On the site integrity/trust and safety
24 side, the senior director of that group is Shane
25 Huntley.

ELVIS CHAN 11/29/2022

Page 47

1 Q. Anyone else besides -- is that a
2 **Mr. Huntley?**

3 A. Yeah. Mr. Shane Huntley.

4 Q. And then is there anyone else at Google
5 **who you meet with?**

6 A. Yes. Up until recently, I would say
7 earlier this year, the senior attorney that we met
8 with was Richard Salgado, but he has since retired.

9 Q. Anyone else besides those two individuals?

10 A. Those are the two senior officials. The
11 other officials that I would meet with regularly on
12 the attorney side include Harold Chun and Mike
13 Maffei.

14 Q. Sure.

15 A. But I believe both of them are senior
16 security counsels.

17 Q. How about Yahoo!, who do you meet with on
18 **the site integrity or trust and safety side from**
19 **Yahoo! as it relates to malign foreign influence**
20 **and disinformation?**

21 A. The head of the group that we met with --
22 they are colloquially known as "The Paranoids" --
23 is named Chris Kieft.

24 Q. Why are they called "The Paranoids"?

25 A. I believe it was -- I'm not sure, but I

1 believe it was a previous chief information
2 security officer who said that it was the job of
3 his team to be paranoid in order to protect their
4 platform.

5 **Q. Are they paranoid in your view?**

6 MR. SUR: Objection; calls for
7 speculation.

8 THE WITNESS: They are very good people to
9 work with.

10 **Q. BY MR. SAUER: I'm sorry. Tell me their**
11 **names again?**

12 A. Chris Kieft is the director of that group,
13 and then the senior manager is Suruchi Chen.

14 **Q. Is there anyone else on the trust and**
15 **safety/site integrity side from Yahoo! that you**
16 **meet with?**

17 A. There are different investigators that
18 they will have briefing different things, but I
19 don't recollect any of their names at this time.

20 **Q. Okay. And then how about Reddit, who do**
21 **you meet with from Reddit on the site**
22 **integrity/trust and safety side as it relates to**
23 **disinformation or malign foreign influence?**

24 A. His name is Tyler Otto. He is the head of
25 data sciences at Reddit.

ELVIS CHAN 11/29/2022

Page 49

1 **Q. Anyone else at Reddit who you meet with**
2 **about those topics?**

3 A. Yes. The -- his senior manager is named
4 Aylea Baldwin.

5 **Q. Is that A-l-i-a?**

6 A. A-y-l-e-a.

7 **Q. All these officials you have talked about**
8 **from these various social media platforms --**
9 **Facebook, Google, Twitter, Yahoo!, Reddit -- these**
10 **are all people that would have authority over**
11 **enforcing terms of service at their respective**
12 **platforms, correct?**

13 MR. SUR: Objection; mischaracterizes the
14 testimony and calls for speculation.

15 THE WITNESS: That is my understanding. I
16 don't know if they have the authority, but they
17 will at least inform the decision-makers, whoever
18 they may be.

19 **Q. BY MR. SAUER: But they'd be directly**
20 **involved in the enforcement of terms of service for**
21 **these various platforms; is that fair to say?**

22 A. That is my understanding.

23 **Q. And that includes, of course, content**
24 **modulation of content on the platforms, right?**

25 MR. SUR: Objection; vague, calls for

ELVIS CHAN 11/29/2022

Page 50

1 speculation.

2 THE WITNESS: That is my understanding.

3 Q. BY MR. SAUER: Turning back to your
4 thesis, you talk about (as read) "being in the
5 trenches with you as you worked to protect the 2020
6 elections." Were there any other steps you took in
7 the trenches other than those -- these, I guess,
8 information sharing meetings you have described
9 with those, I think, seven platforms?

10 MR. SUR: Objection; vague.

11 THE WITNESS: Yes. One of the things that
12 I did more frequently was San -- FBI San
13 Francisco's territory includes 16 counties. So I
14 provided them, the county registrar or county
15 clerk's offices, their information security
16 personnel, with monthly cybersecurity updates and
17 guidance.

18 Q. BY MR. SAUER: And so that would involve
19 advising county clerks and registrars how to fend
20 off hacking attempts?

21 A. Yes. I would -- I would share indicators
22 with them -- I would share the same type of
23 information that I shared with social media
24 companies, to a more limited extent. I would share
25 strategic information about what we saw

1 foreign-state-sponsored actors doing.

2 And then where appropriate, we would share
3 indicators with companies, but these were not --
4 these would primarily be IP addresses and domain
5 names so that they could see if they were popping
6 up anywhere on their networks.

7 **Q. I am going to jump ahead in your thesis to**
8 **Page 17 of the main text.**

9 MR. SAUER: And Indraneel, if you're --
10 are you following along on your iPad?

11 MR. SUR: I am trying, yes.

12 MR. SAUER: I think this is going to be
13 Page 41 of -- Page 41 of the -- of the PDF.

14 **Q. Agent Chan, can you see the screen share**
15 **in front of you well? I have made it a little**
16 **smaller to make it easier for me to read.**

17 A. Yeah. I can see the -- there's part of
18 one paragraph and the beginning of a second
19 paragraph.

20 **Q. Can you see there that there's -- you**
21 **refer to "DiResta" there at the top of the page?**
22 **Do you see what I've highlighted?**

23 A. Correct.

24 **Q. Who is DiResta?**

25 A. Renée DiResta is a researcher at the

1 Stanford Internet Observatory.

2 Q. And -- and so do you know her personally?

3 A. I have engaged with her on phone calls.

4 Q. What were the nature of those phone calls?

5 A. The nature of these phone calls were
6 actually related to threats being directed at her
7 as well as about Russian disinformation.

8 Q. Okay. And you -- threats being directed
9 at her, you mean someone had personally made
10 threats at her, and you were, as an FBI agent,
11 relating them back with her; is that fair to say?

12 A. That is -- that is correct. And the
13 threats would be --

14 Q. And were the threats -- I don't want to --

15 A. The threats were --

16 Q. Go ahead. Sorry. I didn't mean to
17 interrupt you.

18 A. The threats were of an online nature that
19 were -- that she was concerned may be
20 state-sponsored in nature.

21 Q. Oh, okay. Okay. And that -- what -- and
22 then what was the second thing that you said that
23 you were engaged with her on?

24 A. A lot of conversations about Russian
25 disinformation.

1 **Q. Yeah. What did you say to each other**
2 **about Russian disinformation?**

3 A. I was mostly listening, but -- and I would
4 ask her for her thoughts about what she was seeing
5 from the Internet Observatory.

6 **Q. Did you have these conversations in**
7 **connection with writing your thesis, or was it in**
8 **connection with your work as an FBI agent in the**
9 **field?**

10 A. It was connected to my work as an FBI
11 agent in the field.

12 **Q. When did you talk to Renée DiResta?**

13 A. I want to say maybe in 2019.

14 **Q. Would that be the only time?**

15 A. Yeah. I can only recollect two phone
16 calls that I had with -- with her.

17 **Q. And those would have been in 2019?**

18 A. Yes.

19 **Q. Do you know why you called her?**

20 A. She called me on the first call to --

21 **Q. Why did she call you?**

22 A. To -- she had been given my contact
23 information by the head of the Stanford Internet
24 Observatory, and she was concerned about Russian
25 actors either providing her -- or -- giving her

ELVIS CHAN 11/29/2022

Page 54

1 online threats or potentially slotting her.

2 Q. Okay. Who is the head of the Stanford
3 Internet Observatory?

4 A. Alex Stamos.

5 Q. Do you know Mr. Stamos?

6 A. I do.

7 Q. How do you know him?

8 A. I know him from his time as the chief
9 security officer for Facebook.

10 Q. And was he one of the Facebook officials
11 that you interacted with in your professional
12 capacity as an FBI agent when he was there?

13 A. Yeah, when he was there, but he was not --
14 he left before the 2020 election cycle.

15 Q. Was he involved in any of the meetings
16 you've talked about where malign-foreign-influence
17 activities were discussed?

18 A. He was involved in a few, but he left it
19 to the people that I mentioned who reported to him.

20 Q. So when did he leave Facebook?

21 A. I can't remember, but it was ahead of the
22 2020 election cycle.

23 Q. So -- do you think he would have left
24 before 2020 began or during 2020?

25 A. I think he left well before 2020. I think

1 he left after the midterms, but I can't remember.

2 Q. You mean the 2018 midterms?

3 A. I'm sorry. Yeah. The 2018 midterm
4 elections.

5 Q. Okay. Have you had any discussions with
6 Mr. Stamos since he left Facebook?

7 A. Yes. But not about Russian
8 disinformation.

9 Q. Generally what have they been about?

10 A. Cybersecurity and trust and safety.

11 Q. What is trust and safety?

12 A. Trust and safety is protecting platforms
13 from hacking and -- yeah, I -- primarily hacking.

14 Q. Have you had any discussions with him
15 about protecting platforms from, you know,
16 malign-foreign-influence activities?

17 A. No.

18 Q. No?

19 A. Not since -- not since the -- you know,
20 before the 2018 midterm elections. Not in his
21 current capacity at the Stanford Internet
22 Observatory.

23 Q. Lower down on the page you see I have
24 highlighted a reference to Professor Kate Starbird.
25 Do you see that?

ELVIS CHAN 11/29/2022

Page 56

1 A. Yes.

2 Q. Do you know Kate Starbird?

3 A. I do not know her personally.

4 Q. Have you ever talked to her to your
5 recollection?

6 A. I have never talked to her.

7 Q. Okay. So you're -- you only -- you only
8 reference her research in your thesis, but you have
9 never talked to her?

10 A. That is correct.

11 Q. Are you familiar with the Stanford
12 Internet Observatory and the University of
13 Washington teaming up on something called the
14 "Election Integrity Partnership"?

15 A. I am generally aware of that.

16 Q. Okay. What do you know about the Election
17 Integrity Partnership? What is it, if you know?

18 MR. SUR: Objection; vague.

19 THE WITNESS: My knowledge is just
20 general. So I knew they partnered on election
21 integrity and I knew that there was research
22 involved, but that's the extent of my knowledge.

23 Q. BY MR. SAUER: How do you know that?

24 A. I think I read it somewhere in a news
25 article.

ELVIS CHAN 11/29/2022

Page 57

1 **Q. Have you ever talked to anyone involved in**
2 **the Election Integrity Partnership?**

3 A. Not that I'm aware of.

4 **Q. Did you have any involvement in it?**

5 A. No. I would have known. So no, not that
6 I'm aware of.

7 **Q. How about any other federal agencies, are**
8 **you aware of them being involved or working with**
9 **the Election Integrity Partnership?**

10 A. I am not aware of any other federal
11 agencies.

12 **Q. And then would that include the FBI? Do**
13 **you know if the FBI has had or if it is involved in**
14 **any way with the Election Integrity Partnership?**

15 A. I do not have any knowledge of that.
16 However, I know that my colleagues at FBI
17 headquarters regularly meet with researchers much
18 more frequently than I do.

19 **Q. So is it possible that your colleagues at**
20 **FBI headquarters meet with Alex Stamos?**

21 MR. SUR: Objection; calls for
22 speculation.

23 **Q. BY MR. SAUER: If you know.**

24 A. Not to my knowledge, because since Alex
25 Stamos is at Stanford and Stanford is located in

1 FBI San Francisco's territory, it is common
2 courtesy to ask the field office to broker the
3 meeting or to at least make them aware that they
4 are coming into the territory. So I am not aware
5 of any of them meeting with Alex Stamos.

6 **Q. What researchers out there in California**
7 **are you aware that they have met with other than**
8 **Mr. Stamos?**

9 A. I am aware that they have at least had
10 discussions with a researcher at University of
11 California at Berkeley, Professor Hany Farid.

12 **Q. How do you spell that?**

13 A. H-a-n-i [verbatim]; and I believe his last
14 name is F-a-r-e-e-d, but it could be F-a-r-i-d. I
15 am not sure.

16 **Q. Any other researchers you are aware of**
17 **them meeting with?**

18 A. That's the only one in my territory that I
19 am aware of them meeting with.

20 **Q. How about Kate Starbird, do you know if**
21 **they've ever met with her at FBI headquarters?**

22 A. I am not aware.

23 **Q. I want to jump ahead in your thesis to**
24 **Page 25.**

25 MR. SAUER: And, Indraneel, it is Page 49

1 in the PDF.

2 Q. Earlier, Agent Chan, you testified that
3 there is kind of two kinds of Russian influence
4 operations that you discussed in the thesis. I
5 think you referred to hack-and-dump operations,
6 right?

7 A. That's correct.

8 Q. And that's a -- a reference to hackers
9 reaching into a computer network, stealing data and
10 then kind of publicizing it, right?

11 A. Yeah, that's correct.

12 Q. And then here you also refer to "attempted
13 hacks on the" -- "the actual voting systems," but
14 you say that that's not the focus of your thesis,
15 right?

16 A. Yeah, that is correct.

17 Q. Then here, I think in this next paragraph,
18 where you refer to "Online social media influence
19 campaigns," that's what's your thesis actually
20 focuses on in this document, right?

21 A. That is correct.

22 Q. Okay. At a high level, can you describe
23 what sorts of online social media influence
24 campaigns have been conducted by the Russians?

25 A. So broadly speaking, they have -- they --

1 and when I mean "they," I mean the Internet
2 Research Agency and other Russian state-sponsored
3 actors -- have news -- have created fake social
4 media accounts, and they have either generated
5 disinformation themselves or they have amplified
6 existing content from current users of the social
7 media platforms.

8 **Q. So they generate their own disinformation.**
9 **What does that entail?**

10 A. So they make their own content.

11 **Q. Okay. So can you -- can you give us a**
12 **specific example of what that might look like?**

13 A. Like -- like they -- they will make their
14 own Facebook postings. They will -- they will copy
15 other people's Facebook postings. And they will --
16 I mean, when I say "content," they try to find what
17 are the hot-button or current issues in the news
18 around the time frame they're looking at, and then
19 they will try to either generate content --

20 **Q. Okay.**

21 A. -- themselves related to that or they will
22 amplify existing content.

23 **Q. Okay. So they might -- we'll say -- or**
24 **suppose there's a hot-button issue, and they will**
25 **create some inflammatory Facebook post and push**

ELVIS CHAN 11/29/2022

Page 61

1 that out into social media, that's one thing they
2 do?

3 A. Yes.

4 Q. And I take it the goal there is they are
5 trying to get ordinary, real people on social
6 media, including Americans, to kind of interact
7 with or engage with that content, right?

8 MR. SUR: Objection; vague, calls for
9 speculation.

10 THE WITNESS: That is my understanding, is
11 that in general the Russian government and the
12 Internet Research Agency want to sow discord in the
13 American online environment.

14 Q. BY MR. SAUER: So the goal there is to
15 have -- they post messages that they anticipate
16 will be divisive and try and get Americans to
17 engage with them, right?

18 A. Yeah. That is my understanding.

19 Q. And "engagement," I take it, can mean
20 multiple things on a social media platform. That
21 might mean reading the post. That would be a form
22 of engagement, right?

23 A. Yes, sir. Yeah. The -- so the
24 companies -- I use the companies' definition. And
25 when they say "engagement," they do -- they mean

1 different things as well. Like you said, viewing
2 is one of the types of engagement. And they will
3 let us know, "Hey, Elvis. You shared this IP
4 address with us. We found these accounts, and they
5 had low-level engagement."

6 And when I ask, "What is low-level
7 engagement?" they will typically characterize it
8 as, "Oh, there was, you know, a dozen views."

9 **Q. Right. Whereas high-level engagement**
10 **might be a million views, right?**

11 A. Yes.

12 **Q. Okay. Or 100,000 views might be a**
13 **high-level engagement, fair to say?**

14 A. Yeah. Yeah, that's fair.

15 **Q. And then, you know, liking or disliking a**
16 **post is another kind of engagement; is that fair to**
17 **say?**

18 A. For the Facebook and Instagram platforms
19 specifically.

20 **Q. Yeah. Or -- and then doesn't Twitter have**
21 **a kind of function that you can kind of express**
22 **approval or disapproval in that way?**

23 A. Yeah. I believe so.

24 **Q. Is that -- do you know what that's called?**

25 A. I can't remember the name for it.

1 Q. And it's the equivalent of liking
2 something on Facebook. You could, you know, like a
3 tweet, essentially; is that fair to say?

4 MR. SUR: Objection; vague.

5 THE WITNESS: I would assess them as being
6 similar.

7 Q. BY MR. SAUER: Yeah. And then there's --
8 again, and obviously reposting it is another form
9 of engagement, right?

10 A. That is correct.

11 Q. And also there's reposting it with
12 commentary as well, right?

13 A. That is correct.

14 Q. And I take it these are all forms of
15 engagement that these social media influence
16 campaigns that you are referring to in your thesis
17 are kind of designed -- at least they are trying to
18 get people to do that, at least regular, you know,
19 kind of not real users, not bots; the Russians are
20 trying to get people to engage on their divisive
21 content, right?

22 MR. SUR: Objection; calls for
23 speculation.

24 THE WITNESS: Yeah. So it is my opinion
25 that, you know, based on what I know, that that is

ELVIS CHAN 11/29/2022

Page 64

1 what the Russians -- Russians are attempting to do.

2 Q. BY MR. SAUER: I take it from your thesis
3 that they have met with mixed success in these
4 efforts, right? In some of their efforts they were
5 highly effective in getting high levels of those
6 kinds of engagements, whereas others it would --
7 kind of fizzled; is that fair to say?

8 A. Yes. I would say it was hit and miss.

9 Q. And I think you -- in your thesis you talk
10 about how in 2016 they had high, high levels of
11 success, right, because there were essentially no
12 countermeasures taken by social media platforms?

13 A. That is correct.

14 Q. And I think you cite examples of
15 situations where there are Russian-originated
16 content with hundreds of thousands or -- I think
17 you talk about millions of Americans interacting
18 with it, you know, liking it, disliking it,
19 reposting it and all that; is that fair to say?

20 MR. SUR: Objection; compound.

21 THE WITNESS: That is for the 2016
22 election cycle.

23 Q. BY MR. SAUER: And then I take it maybe
24 there was -- there was some engagement in the 2018
25 and 2020 election cycles, but probably not quite as

1 much as in 2016, right?

2 A. That is correct.

3 Q. How would you kind of characterize the
4 levels of engagement? You know, the various forms
5 of engagement I have talked about -- reading it,
6 liking it or disliking it, reposting it or
7 reposting it with commentary -- how do those levels
8 of engagement in general with the kind of Russian
9 malign content, what levels were those at in 2016
10 and 2018?

11 MR. SUR: Objection; compound.

12 THE WITNESS: Well, on Page 35 I give one
13 example where you can see how IRA controlled
14 accounts and the numbers of users they reached.
15 And so -- on Page 35, you see that table, right?

16 So those are the types of numbers. And
17 then after that, you know, when we compare to 2020,
18 it's less.

19 Q. BY MR. SAUER: Okay. It is not --

20 A. But those are the numbers that were, you
21 know, provided. I think these -- I think that I
22 footnoted that it's from -- it's from the special
23 counsel's report.

24 Q. I got you. That's from Robert Mueller's
25 report?

ELVIS CHAN 11/29/2022

Page 66

1 A. That is correct.

2 Q. That indicates that there were really a
3 very high level of number of users reached from
4 Facebook, 126 million users reached by 2016 Russian
5 messages, fair to say?

6 A. Yes.

7 Q. And I take it that, you know, some subset
8 of those people are reading it, or at least
9 clicking on it to read it; is that fair to say?

10 A. Yeah. So the "Number of Users Reached,"
11 my interpretation is that is views.

12 Q. Got you.

13 A. Unique views, yeah.

14 Q. Some of them, but we just don't know how
15 many, but some of them would have liked it or
16 disliked it, fair to say?

17 A. Yeah, I have no idea how many would have
18 liked it or disliked it.

19 Q. And then some of them -- some may have
20 reposted it, right?

21 A. They may have, but I don't know.

22 Q. And then that Twitter figure shows -- what
23 is it -- about 1.4 million Twitter users were
24 reached by these activities in 2016?

25 A. Yes, that is correct.

ELVIS CHAN 11/29/2022

Page 67

1 Q. Let's -- I am going to flip back to Page
2 29. You've got this kind of graphic picture of --
3 of Hillary Clinton with a black kind of "X" painted
4 on her face. Do you see that?

5 A. Yes.

6 Q. And I take it this is an example of
7 something that was -- it is actually
8 Russian-originated content kind of masquerading as
9 something posted by an American, right?

10 A. Yeah. That is an example.

11 Q. And this is the sort of thing that
12 might -- is this the sort of thing that would have
13 resulted in engagements by users?

14 MR. SUR: Objection; vague, calls for
15 speculation.

16 THE WITNESS: Well, from this one, there
17 appeared to be 763 reactions.

18 Q. BY MR. SAUER: Do you know what
19 "reactions" mean? Is that liking or disliking, or
20 is that something else?

21 A. I am not -- I am not familiar.

22 Q. Okay. So that might mean -- might mean
23 liking or disliking, but it might also mean
24 reposting?

25 A. Yeah. I don't know.

1 Q. So at least 763 people for this example
2 did something more than just reading it, right, or
3 viewing it?

4 MR. SUR: Objection; calls for
5 speculation.

6 THE WITNESS: Yeah. I don't know what a
7 reaction means. It could just mean viewing it, but
8 it could mean taking some further action.

9 Q. BY MR. SAUER: And the next step, 76
10 people commented on this, right?

11 A. Yes.

12 Q. And then those comments are people who
13 presumably said something, whether they agree or
14 disagree or just want to say something about this
15 kind of political ad, fair to say?

16 MR. SUR: Objection; calls for
17 speculation.

18 THE WITNESS: Yeah. I don't know what the
19 nature of the comments are, but your
20 characterization is probable.

21 Q. BY MR. SAUER: The accounts -- I suppose
22 you have talked about account takedowns earlier.
23 If this account that posted this ad is taken down,
24 do all those comments get taken down with it?

25 MR. SUR: Objection; calls for

ELVIS CHAN 11/29/2022

Page 69

1 speculation.

2 THE WITNESS: I don't know.

3 Q. BY MR. SAUER: Oh, so you think that the
4 comments may stay up with the account gone?

5 A. I -- to be honest with you, I do not use
6 any social media.

7 Q. I see. So you don't know if -- you don't
8 know if the comments kind of remain floating out on
9 Twitter when the underlying picture of Hillary
10 Clinton with black paint on her face is taken down?

11 A. I do not know.

12 Q. Turning to the next page of your thesis,
13 Page 30, here in this Subsection a you talk about
14 "The IRA's Social Media Activities," right?

15 A. Correct.

16 Q. Okay. And the "IRA" is the "Internet
17 Research Agency," right?

18 A. In this context, correct.

19 Q. Right. Not in the Ireland separatist
20 context.

21 Just generally speaking, can you describe
22 what the IRA is in this context?

23 MR. SUR: Objection; vague.

24 THE WITNESS: So in this paragraph I
25 describe the three lines of activities that I

1 observed the IRA doing in terms of malign-influence
2 campaigns.

3 Q. BY MR. SAUER: Okay. And the first one
4 you say is they "made and maintained fake user
5 accounts and pages on social media platforms that
6 covered a range of political issues," right?

7 A. That is correct.

8 Q. And that's a bit like what we have already
9 been talking about, where they're -- I take it they
10 are creating fake accounts and pages and trying to
11 gather American viewers to review and engage with
12 their content, right?

13 MR. SUR: Objection; vague, calls for
14 speculation.

15 THE WITNESS: That is my assessment, yeah.

16 Q. BY MR. SAUER: And it says, "For these
17 accounts and pages, the IRA employees generated
18 organic content to ingratiate themselves with
19 online communities and amplify or steer the themes
20 discussed in those communities," correct?

21 A. Yes, that is what I wrote.

22 Q. And they were trying to influence online
23 conversations involving real American citizens,
24 right?

25 A. That was my assessment and is my

1 assessment.

2 Q. All right. So that, I take it, would
3 involve the kind of active engagement that we
4 talked about a minute ago: not just reading what
5 they say, but maybe reposting it, commenting on it,
6 you know, and having a higher level of engagement
7 than just viewing it, right?

8 MR. SUR: Objection; compound and calls
9 for speculation.

10 THE WITNESS: That would be my
11 understanding.

12 Q. BY MR. SAUER: You go on to say,
13 "Second" -- and this ties back to something I think
14 you foreshadowed a minute ago -- "IRA employees
15 used social media bots, i.e., computer programs
16 which control social media accounts, to amplify
17 existing content," right?

18 A. That is correct.

19 Q. What is it to "amplify existing content"?

20 A. It is to do the things that you had
21 mentioned. Depending on what the social media
22 platform were, they include things like liking it
23 or reposting it.

24 Q. So social media bots, those are kind of
25 fake accounts, right, that don't have real human

1 beings behind them; is that what that means?

2 A. Yes. They are controlled by computer
3 programs.

4 Q. And so -- and -- and sometimes they will
5 have, like, a fake picture so it looks like a real
6 human being; but actually it is just a computer
7 program, right?

8 A. That is correct.

9 Q. And so the social media -- I take it the
10 IRA-generated social media bots to go out there,
11 find the divisive messages that the IRA wanted to
12 sort of amplify, and have them engage with those
13 posts, correct?

14 MR. SUR: Objection; compound, calls for
15 speculation.

16 THE WITNESS: I wouldn't say they
17 generated the bots. In general, people rent bots.

18 Q. BY MR. SAUER: That's interesting. How do
19 you rent a bot?

20 A. In the cybersecurity industry, there is a
21 role called a bot herder, so someone who develops
22 malicious software and finds unprotected devices
23 and infects them with malicious software, also
24 known as malware; and then they will advertise on
25 the dark web that, you know, you can rent a botnet

ELVIS CHAN 11/29/2022

Page 73

1 for -- you know, a botnet of a certain size for a
2 certain amount of money.

3 And that is what I am assessing the
4 Internet Research Agency did.

5 Q. Got you. Okay. So do you know for sure
6 whether they generated their own or bought them on
7 the dark web or rented them?

8 A. So I'm not -- I'm not sure how they
9 acquired them. I was just -- I didn't feel
10 comfortable saying they generated their own.
11 Somehow they were able to get control of a botnet
12 and then use them to amplify.

13 Q. And then "amplify," I take it that means
14 things like liking and reposting and taking steps
15 like that that make it -- is that fair to say?
16 It's liking, reposting, stuff like that; is that
17 right?

18 MR. SUR: Objection; vague, calls for
19 speculation.

20 THE WITNESS: Yeah. That would be my
21 assessment.

22 Q. BY MR. SAUER: Okay. And so I take it the
23 Russian bots go out there and they find the
24 divisive messages that the Russians want to push,
25 and then they amplify them by having fake user

1 **accounts like them or retweet them or repost them**
2 **on Facebook, fair to say?**

3 A. I don't think the bots do that themselves.
4 The bots don't have any intelligence. I would -- I
5 believe that a human being, an actual Internet
6 Research employee would find divisive content or --
7 yeah, divisive content or users who had lots of
8 followers and then deploy the bots to amplify those
9 users' messages or content.

10 Q. **And part of this, I take it, is the bots,**
11 **the fake accounts, having their own followers,**
12 **trying to collect their own real followers, right?**

13 A. In my experience, the bots typically don't
14 care how many followers they have. Their primary
15 job is to amplify other content.

16 Q. **I got you. So in other words, suppose --**
17 **and when you say "other content," this is content**
18 **that wasn't originated by Russians or the IRA but**
19 **is generated by American citizens with views that**
20 **the IRA likes or wants to push, right?**

21 MR. SUR: Objection; vague, calls for
22 speculation, assumes facts not in evidence.

23 THE WITNESS: By "other content," I mean
24 content not generated by the bots.

25 Q. **BY MR. SAUER: And that's because the --**

1 A. Because bots -- yeah. Bots will generate
2 their own content, but they're -- it is usually
3 nonsense talk or just, like, random images. The --
4 that's what I meant by "other."

5 **Q. Right. And then -- I think that -- and**
6 **that's what you referred to in the previous**
7 **sentence as "organic content," right?**

8 A. Yeah. "Organic content," I mean that it
9 is actually generated by Internet Research Agency
10 employees.

11 **Q. Oh, okay. So "existing content" in this**
12 **sentence that I have highlighted is different than**
13 **"organic content." "Existing content" is stuff**
14 **that is already out there on the social media**
15 **platforms; is it fair to say?**

16 A. That is correct.

17 **Q. That would be stuff that can be posted by**
18 **other users or come from any other source, but it**
19 **is just stuff --**

20 A. Yeah.

21 **Q. -- that they like and they want to push**
22 **those messages, right?**

23 MR. SUR: Objection; vague, compound.

24 THE WITNESS: Yes. I mean not generated
25 by the Internet Research Agency. That is what I

1 mean by "other content."

2 Q. BY MR. SAUER: If a bot that's operated by
3 the Internet Research Agency were to repost, like,
4 a -- an American citizen's tweets or Facebook page
5 and then that bot account were taken down or shut
6 off, would that reposting or amplification of that
7 message then go away?

8 MR. SUR: Objection; compound and
9 hypothetical.

10 Q. BY MR. SAUER: If you know.

11 A. I don't know.

12 Q. Now, then suppose there's John Smith, who
13 is an American citizen who posts an aggressive,
14 pro-Second Amendment message. And the Russian bot
15 identifies that as something to amplify and
16 retweets it, and then the Russian bot account is
17 shut down. There's an account takedown. Does that
18 retweeting of John Smith's pro-Second Amendment
19 message go away from Twitter if there's no account
20 there anymore to retweet it?

21 MR. SUR: Objection; hypothetical, calls
22 for speculation, assumes facts not in evidence.

23 Q. BY MR. SAUER: If you know.

24 A. Yeah. I don't know. I don't know what
25 happens to the retweet.

ELVIS CHAN 11/29/2022

Page 77

1 MR. SUR: Counsel, if I may, are we at a
2 near or natural breaking point? We have been in
3 this session for now approaching one hour and a
4 little bit past that. Why don't we take a break
5 if --

6 MR. SAUER: Yeah. That's -- now is as
7 good a time as any.

8 MR. SUR: Thank you.

9 THE VIDEOGRAPHER: Off the record -- off
10 the record at 10:45 a.m.

11 (Whereupon a recess was taken.)

12 THE VIDEOGRAPHER: Back on record at 10:58
13 a.m.

14 Q. BY MR. SAUER: Agent Chan, sticking to
15 Page 30 of your thesis, I want to direct your
16 attention to this next sentence, where you say (as
17 read), "Third, IRA employees covertly purchased
18 online advertisements from social media companies
19 to enhance their organic content and drive online
20 traffic to the sites controlled by them," right?

21 A. Yeah. That is what I wrote.

22 Q. Yeah. And you agree with it, right?

23 A. Yes. You will see the footnote that it
24 was by Professor Howard, but I agree with it.

25 Q. Okay. And then so the idea is the -- that

ELVIS CHAN 11/29/2022

Page 78

1 they would purchase ads that would drive traffic by
2 real people to their -- their sites, basically
3 their accounts and their websites as well, right?

4 A. Yes. This is in the 2016 election
5 contest.

6 Q. Okay. So why do you say -- did something
7 different happen in 2018 and 2020?

8 A. Yes. From my meetings with the companies,
9 they shared with me that they had changed their
10 policies to do more intensive validation of people
11 trying to purchase political advertisements.

12 Q. And so it was harder for them to buy ads
13 basically in the later election cycles?

14 A. That is my understanding.

15 Q. But either way, the purpose here is for
16 them to be driving or achieving engagement by real
17 users, right?

18 MR. SUR: Objection; vague, calls for
19 speculation.

20 THE WITNESS: Yes. I believe the purpose
21 was for the Internet Research Agency, who are
22 comprised of Russian citizens, to drive engagement.

23 Q. BY MR. SAUER: Got you. And if you skip
24 ahead a couple more pages, to Page 32, do you see
25 these ads that you've identified in your thesis in

1 **Figure 3 and Figure 4?**

2 A. Yes, I see those ads.

3 Q. Okay. And these are, I take it -- you
4 talk about how they have, like, left-wing content
5 that's actually designed to -- to depress voter
6 turnout among minority communities, right?

7 A. This was what the research that I reviewed
8 said.

9 Q. Yeah. And you look at Figure 3 -- well,
10 let me ask you this. You talk about the research
11 you reviewed. You also are personally involved in
12 this, quote, in the trenches, right?

13 MR. SUR: Objection; vague, misstates the
14 record.

15 THE WITNESS: Can you clarify that
16 question?

17 Q. BY MR. SAUER: Let me ask this: Is the
18 research -- you said this is what your research
19 indicated. Is the research in your thesis
20 consistent with your experience as an FBI agent who
21 deals with disinformation and
22 malign-foreign-influence campaigns?

23 A. So the research, to include this reporting
24 from the House Permanent Select Committee on
25 Intelligence as well as what was conveyed to me by

1 the social media companies, was this content. I
2 would otherwise not know because -- I mentioned to
3 you I do not go on any social media platforms
4 myself.

5 Q. So but your understanding, for example, is
6 Figure 3 is Russian-originated content. Your
7 understanding of that is based on information
8 obtained from the social media platforms or from
9 other federal government officials, correct?

10 A. Yeah. This information is specifically
11 from the HPSCI report that I cited in the footnote.

12 Q. Got you. And just looking at this, for
13 example, in Figure 3 on the right, there's a Black
14 Matters ad, correct?

15 A. Yeah. "Figure 3. Facebook Political Ads
16 Targeting Black voters."

17 Q. And that one indicates that 223,799 people
18 had liked it, right, on Facebook?

19 A. Yes. That is what the image on the right
20 says.

21 Q. And so that would be a high level of
22 engagement based on what you said earlier, right?

23 A. I would not consider 223 views as being
24 high.

25 Q. Oh, is it 223,799?

1 A. No. This one, the -- I see "223," and
2 then I see a slash, "99 people like this."

3 Q. Oh, is that what that means? I thought
4 that was a "7." So you say -- what is -- do you
5 know -- how do you read that? What does that mean?

6 A. Yeah. I read that as 223 viewed it and 99
7 of those 223 like it. That is how I interpret
8 this.

9 Q. So that would be a low level of
10 engagement, correct?

11 A. That is how I would personally
12 characterize it.

13 Q. And then below there, in Figure 4 there's
14 a Secured Borders ad on the left with a "No
15 Invaders Allowed" sign in front of the border. Do
16 you see that one?

17 A. Yes.

18 Q. In that one, it looks like 134,943 people
19 liked that, correct?

20 A. Yes.

21 Q. And if that ad were taken down because it
22 was identified to be part of a
23 malign-foreign-influence campaign, all those likes
24 would disappear from Facebook as well, correct?

25 MR. SUR: Objection; calls for

ELVIS CHAN 11/29/2022

Page 82

1 speculation, assumes facts not in evidence.

2 THE WITNESS: Yeah. I do not know what
3 happens to the likes if the ad disappears, but I
4 know that the ad disappears.

5 Q. BY MR. SAUER: Right. You think that
6 likes may stay out there, floating in -- floating
7 in the social media platform, not addressing
8 anything that's still there?

9 A. I don't know.

10 Q. Let me ask this: A like is a way of
11 expressing --

12 A. I don't know what happens.

13 Q. A like is a way of expressing approval of
14 something, right? It's basically saying "I agree
15 with this" or "I like it," right?

16 A. Yes. But I don't -- what I'm saying to
17 you, Mr. Sauer, is I don't know what happens to
18 those likes.

19 Q. The -- but you know that the ad
20 disappears?

21 A. Well, for example, if you're -- if you're
22 a -- if you're a user --

23 (Discussion off the record.)

24 MR. SUR: Sorry. We are having difficulty
25 hearing you, Mr. Sauer. It may be a connection

1 problem.

2 (Discussion off the record.)

3 MR. SAUER: Can you hear me now?

4 MR. SUR: Yeah, that's better.

5 **Q. BY MR. SAUER: Okay. Go ahead, Mr. Chan.**

6 MR. SUR: Okay.

7 THE WITNESS: So I don't know what
8 happens. So, for example, if you were a user and
9 you like this ad, I don't know, does it stay on
10 your account? Or I don't know if it disappears
11 from your account. I don't know what happens on
12 the ad itself. So I don't know. I don't know
13 the -- I don't know the mechanics of how online
14 advertisements for these platforms work.

15 **Q. BY MR. SAUER: If you look at the ad to**
16 **the right of that, the pro-Second Amendment ad that**
17 **says "Defend the 2nd"?**

18 A. Yeah.

19 **Q. And do you see at the bottom it says,**
20 **"96,678 people like this"?**

21 A. Yes.

22 **Q. Would that be a high level of engagement?**

23 A. I would characterize that as high.

24 **Q. And it's your testimony that you don't**
25 **know what happens if that ad is pulled down to all**

1 **those likes?**

2 A. And then --

3 **Q. Do you think it is going to continue to be**
4 **in people's individual feeds?**

5 A. Yeah, I do not know what happens to the
6 likes.

7 **Q. Jumping ahead a couple pages, I think this**
8 **is the page that you referred to earlier. You**
9 **talked about how there was a very high level of**
10 **engagement by the IRA in -- in 2016, right?**

11 A. Yes. Where it says, "The sheer magnitude
12 of the IRA's social media campaign," that sentence?

13 **Q. Correct, yeah.**

14 A. Yeah, yes, that is what I wrote.

15 MR. SUR: To clarify for the record, this
16 is on Page 34 of the thesis?

17 MR. SAUER: Yeah. That would be Page 58
18 of the PDF. Indraneel, do you see where we are?

19 MR. SUR: Yes, yeah.

20 **Q. BY MR. SAUER: It's the bottom paragraph**
21 **there. "The sheer magnitude of the IRA's social**
22 **media campaign targeting the United States was**
23 **unparalleled in the digital age," right, Mr. Chan?**

24 A. That was my characterization of it.

25 **Q. And it -- the research indicated that the**

1 IRA had uploaded a thousand videos on YouTube. Do
2 you know what the level of engagement for those
3 videos was?

4 A. I don't. And you can see from the
5 citation that I am citing research done by Renée
6 DiResta and her team.

7 Q. Got you. And that research indicates that
8 the IRA had, quote, reached a significant number of
9 American users: 59 percent on Facebook, 19 percent
10 on Instagram and two percent on Twitter, right?

11 A. That is what Renée DiResta and her team
12 found.

13 Q. So 59 percent. And this isn't just sort
14 of bots, she found that specifically as to American
15 users, in other words, real social media platform
16 human beings, real people using social media
17 platforms in America, right?

18 A. That is what I recollect. And this is in
19 the context of the 2016 elections.

20 Q. Correct. And that -- that's 59 percent of
21 Americans on Facebook were reached in some way, had
22 some level of engagement with -- with
23 IRA-originated content; fair to say?

24 A. That is her calculation.

25 Q. And you cite it as a reputable source in

1 **your thesis, right?**

2 A. Yes, I do.

3 **Q. And do you know how much of that is --**
4 **obviously we talked earlier how there's different**
5 **kinds of engagement, like reading, liking,**
6 **reposting, reposting with commentary, commenting.**
7 **Do you know how much of that is -- that reaching of**
8 **American users breaks down into those various**
9 **categories?**

10 A. I do not. I was not able to find that
11 level of detail.

12 **Q. Okay. Next page. You've referred to**
13 **Table 1 before on Page 35 that points out that 126**
14 **million --**

15 A. Yeah.

16 **Q. -- American Facebook users were reached in**
17 **some way by content, right?**

18 A. Yes, yeah. I was able to extract that
19 from the report.

20 **Q. Right below that you refer again to "the**
21 **second line of effort," where they (as read)**
22 **"amplified real user accounts whose identities,**
23 **behavior, and content aligned with their strategic**
24 **goals," right?**

25 A. So yes. You can see I cited the Mueller

1 report. That's special counsel's report.

2 Q. And then you go on to cite a Clemson
3 University study indicating that over 100,000 real
4 people had their postings amplified by
5 IRA-controlled social media bots, right?

6 A. Yes, that is correct.

7 Q. And you don't know what happens to those
8 amplifications when the bots are detected and shut
9 down?

10 A. I do not.

11 Q. I think in the thesis you talk generally
12 about how there was virtually no reaction by the
13 social media platforms in the 2016 election cycle
14 to this Russian activity; is that right?

15 A. That is correct.

16 Q. But that changed, I take it, in the 2018
17 and 2020 election cycles, at least to some degree?

18 A. That is correct, yes.

19 Q. How did it change?

20 A. Well, what I was told -- what I was told
21 by the companies was that they used both technology
22 as well as human beings to moderate or protect
23 their platforms.

24 Q. Okay. And then can you break down that
25 for me? On the technological side, what did they

1 **tell you they did?**

2 A. So they tell me that they used a different
3 detection method. The shorthand for that is
4 algorithms. But they will not get into any of the
5 details about the algorithms. And we have probed
6 them to ask for details, but it has never been
7 shared with us.

8 **Q. What -- you say you probed them to ask**
9 **about the details. What did you ask?**

10 A. I can't remember exactly, but we would
11 ask, for example, "What are the parameters that you
12 use to develop the algorithm? Or what are the
13 factors that you use?" And they would not share
14 any of that information with us.

15 **Q. Why did you want to know that? Did you**
16 **want to know -- did you want to ascertain if the**
17 **algorithms were effective? Or why would you ask**
18 **them a question like that?**

19 A. The reason that I would ask that question
20 is so that we could make sure that we were sharing
21 the most effective and actionable type of
22 information with them.

23 **Q. Explain that to me. What -- if you know**
24 **how their algorithm operates, how does that help**
25 **you share actionable information?**

1 A. So, for example, if a platform doesn't
2 need a telephone number for an account, then
3 providing them with Russian telephone numbers would
4 not be useful. Or if providing them with an email
5 account is not something that the platform saves,
6 then that would not be useful. So those are two
7 examples.

8 Q. Uh-huh. But they just tell you, "We use
9 **algorithms to detect kind of Russian-originated**
10 **content," but they tell you nothing about how the**
11 **algorithms operate?**

12 A. That is correct.

13 Q. **When did these conversations occur?**
14 **Did -- where you're asking them about their**
15 **algorithms and they are declining to provide**
16 **information. Did they occur in those weekly,**
17 **monthly and quarterly meetings we talked about**
18 **earlier?**

19 A. I would characterize it as occurring early
20 in those quarterly meetings in the 2017 time frame;
21 and after we asked the different companies and
22 found that none of them were willing to share in
23 those earlier meetings, we stopped asking.

24 Q. **And then you mentioned human -- I think**
25 **you mentioned human beings involved in their -- in**

1 **their activities. Tell us, what did they tell you**
2 **about that?**

3 A. In general, what the companies tell us is
4 the technology or the algorithms will flag specific
5 content, and certain content that looks like spam
6 is, I believe, taken down.

7 However, if something is flagged that
8 requires a higher level of decision-making, that is
9 when it is sent to a content moderator.

10 **Q. So a human being, a content moderator**
11 **would be looking at, like, an account that was**
12 **flagged by an algorithm as potentially involving**
13 **malign, inauthentic activity and take a closer look**
14 **at it?**

15 A. That is correct.

16 **Q. Did you discuss with them what standards**
17 **their content modulators use to -- to figure that**
18 **out, you know, how do they make their judgment**
19 **calls?**

20 MR. SUR: Objection; compound.

21 THE WITNESS: So in response to your
22 question, we would just broadly ask them what their
23 terms of service or community standards were.

24 **Q. BY MR. SAUER: So how do you know that**
25 **they have human beings involved in enforcing the --**

1 reviewing and enforcing the terms of service with
2 respect to particular content?

3 A. Through the discussions that we had at the
4 meetings.

5 Q. And what you have been saying, is this
6 true of all the -- all the platforms?

7 A. I do not know. I am specifically thinking
8 of two platforms that use human being content
9 moderators.

10 Q. Which two are those?

11 A. I am specifically thinking of Facebook and
12 YouTube.

13 Q. How about Twitter?

14 A. I don't know if they use human -- I have
15 never -- I don't recollect discussing that with
16 them.

17 Q. How about the others? You mentioned, I
18 think, Yahoo! and Reddit, Instagram. Do they use
19 human content moderators?

20 A. I don't recollect discussing that with
21 them.

22 Q. You mentioned their terms of service. You
23 know, did you ever discuss with them what their
24 terms of service are or should be? Did you ever
25 make recommendations that they change terms of

1 **service to make them more effective in addressing**
2 **malign-foreign-influence activities?**

3 MR. SUR: Objection; compound and vague.

4 THE WITNESS: I will answer the last part
5 of your compound question, which is no, we never
6 told the companies to modify their terms of service
7 or community standards.

8 **Q. BY MR. SAUER: Do you know how they**
9 **developed their terms of service or community**
10 **standards?**

11 A. Only from what they discussed with me in
12 those meetings.

13 **Q. What did they say to you in those**
14 **meetings?**

15 A. So --

16 MR. SUR: Objection; vague.

17 THE WITNESS: So in those meetings, we
18 would not discuss them. We would ask them, "What
19 are your terms of service related to detecting
20 Russian troll accounts?"

21 And then they would share with us that
22 the -- the two terms that come up regularly are
23 "coordinated," which I interpret to mean across
24 many accounts, and "inauthentic," which means the
25 user is pretending to be someone they are not.

1 And so those were the two primary
2 terms-of-service violations that I remember being
3 discussed.

4 **Q. BY MR. SAUER: What does "coordinated"**
5 **mean?**

6 A. Like, as I mentioned before, it was
7 activities across multiple accounts, the -- similar
8 activities across multiple accounts.

9 **Q. How does that violate terms of service?**

10 A. So in the cybersecurity context, you will
11 have a botnet that will push ads, for example,
12 Canadian pharmacy ads, to hundreds and thousands of
13 users. That is coordinated behavior. That is
14 illegal. Because if you wanted to push ads on a
15 platform, typically you have to purchase online
16 advertising.

17 **Q. Okay. Got you. And then what was the**
18 **second category you mentioned of provisions of**
19 **terms of service that these activities would**
20 **violate?**

21 A. Inauthentic.

22 **Q. Yeah. And what is -- what is inauthentic?**

23 A. Inauthentic is a user pretending to be
24 someone they are not.

25 **Q. And I take it that you got that in these**

1 Russian malign-foreign-influence activities, right?

2 A. Yes.

3 Q. We have been talking about Russia
4 principally because that's your thesis, but do
5 other countries try and do these kinds of
6 disinformation malign operations on social media
7 platforms as well?

8 MR. SUR: Objection; vague.

9 THE WITNESS: Yes.

10 Q. BY MR. SAUER: What countries are involved
11 in them?

12 A. The two countries that we focus on are
13 China and Iran, outside of Russia.

14 Q. Are there any others?

15 A. Not to --

16 MR. SUR: Objection; Counsel, we're at the
17 law enforcement privilege.

18 MR. SAUER: I am going to withdraw the
19 question. I don't concede the privilege applies,
20 but I will withdraw the question if you guys --
21 yeah.

22 Q. Just generally speaking, you mentioned,
23 say, Iran and China and, frankly, they are also
24 referred to in your publicly-available thesis. Are
25 the sorts of activities that they engage in similar

ELVIS CHAN 11/29/2022

Page 95

1 to what Russia does, you know, in the -- the way of
2 generating fake accounts, generating inauthentic
3 content and trying to get Americans to interact
4 with it?

5 MR. SUR: Objection; vague and compound.

6 THE WITNESS: In my experience, the
7 Chinese state-sponsored activity and the Iranian
8 state-sponsored activity share similarities to the
9 Russian state-sponsored activities.

10 Q. BY MR. SAUER: We were talking -- moving
11 back to what we were talking about a minute ago,
12 you talked about how there are two general
13 categories of content-modulation policies --
14 coordinated activity and inauthentic activity --
15 that get cited most frequently to remove this
16 content; is that right?

17 A. In my personal experience, yes.

18 Q. And your personal experience is based on
19 these meetings and conversations with
20 representatives of the social media platforms,
21 correct?

22 A. That is correct. You broke up on me, but
23 I believe that is correct.

24 Q. I'm -- I'm sorry. Again, you can't hear.
25 I am hearing you fine. Can you hear me okay?

ELVIS CHAN 11/29/2022

Page 96

1 A. Now I can.

2 Q. Okay. Let me ask you this: Do they --
3 when you have these information exchanges, you
4 provide the social media platforms with tactical
5 information, which includes -- you know, identifies
6 specific accounts and user -- or not users, but
7 specific accounts and URLs that you have concluded
8 are Russian-originated, right?

9 A. Can you repeat the question? You have
10 been breaking up on me.

11 MR. SAUER: Should we go off the record?

12 THE VIDEOGRAPHER: Off the record at 11:22
13 a.m.

14 (Whereupon a recess was taken.)

15 THE VIDEOGRAPHER: We are back on record
16 at 11:27 a.m.

17 Q. BY MR. SAUER: Agent Chan, circling back
18 to where we were a moment ago, I wanted to ask you,
19 when you have these information sharing sessions
20 with various social media platforms, you testified
21 earlier that you give them tactical information,
22 right?

23 A. Yes.

24 Q. Yeah. And tactical information includes
25 identifying specific social media accounts and URLs

1 and things of that nature, right?

2 A. Yes.

3 Q. Yeah. How often has that happened? I
4 know in your thesis you refer to four
5 publicly-available instances where there was that
6 kind of information sharing. How often does it
7 happen that the FBI will give a list of specific
8 tactical information for the social media platforms
9 to consider?

10 MR. SUR: I am going to object on the
11 basis of the law enforcement privilege. And you
12 can answer without -- insofar as you can without
13 disclosing any particular investigation.

14 Q. BY MR. SAUER: Yeah, I don't want to know
15 any particular URL, but just generally how often
16 does that happen?

17 A. I would say in general it happens between,
18 I don't know, one to five times per month.

19 Q. Okay. And then how many --

20 A. From different investigations.

21 Q. Oh, got you. Okay. And then how -- and
22 does this actually occur at these meetings we've
23 talked about, or are there separate communications
24 where you pick up the phone and call the site
25 integrity people and tell them, "Here are some bad

1 **URLs"?**

2 A. So --

3 MR. SUR: Objection; mischaracterizes the
4 record, compound.

5 **Q. BY MR. SAUER: If you know.**

6 A. From my understanding of your question, we
7 will typically share information either right
8 before or after one of our quarterly meetings.
9 That is pretty standard. Otherwise we will just
10 share information from different investigations as
11 deemed appropriate by the field offices running the
12 investigations and FBI headquarters.

13 **Q. So -- so it would be both, I take it,**
14 **there would be -- in every quarterly meeting you**
15 **might identify -- or you do identify tactical**
16 **information about foreign-originated URLs and user**
17 **accounts, correct?**

18 A. I don't know if it happens at every single
19 quarterly meeting, but I would say most of them.

20 **Q. And then -- and then apart from the**
21 **quarterly meetings, I think you said one to five**
22 **times a month there would be a communication of**
23 **that nature through another channel, right?**

24 A. Correct. What I would typically do is
25 send an email to the recipients at the companies

1 and inform them that I would be using a secure file
2 transfer application within the FBI that is called
3 Teleporter. And then the reason I would send them
4 a heads-up email is because the Teleporter email
5 with a link looks like spam, so I don't want them
6 to think it's spam.

7 **Q. Okay. And that Teleporter email, if they**
8 **open it, contains tactical information for them to**
9 **consider, right?**

10 A. The Teleporter email contains a link for
11 them to securely download the files from the FBI.

12 **Q. And the files contain tactical information**
13 **that identifies malign foreign-originated URLs and**
14 **social media accounts and things like that, right?**

15 A. Yeah, different types of indicators.

16 **Q. When you say "different types of**
17 **indicators," indicators, I think you said earlier,**
18 **refer to those specific URLs and social media**
19 **accounts, right?**

20 A. Yeah. Those are two of them, but they
21 also apply to IP addresses, email accounts. You
22 had just mentioned two of the types of indicators,
23 but I wanted to reiterate that there are a broad
24 range of indicators that we share.

25 **Q. Does that Teleporter communication explain**

ELVIS CHAN 11/29/2022

Page 100

1 **and -- provide an explanation of the FBI's basis**
2 **for thinking that those are bad accounts or bad**
3 **indicators?**

4 A. In general it will typically provide a
5 very short summary, maybe a sentence or two, that
6 will say, "We assess that these accounts are being
7 controlled by the Internet Research Agency," and
8 then provide a list of accounts, or "We assess this
9 IP address is being used exclusively by the
10 Internet Research Agency from this time period to
11 that time period." That is a typical type of
12 information sharing.

13 **Q. Typically how many accounts or URLs or**
14 **other indicators would be identified in a**
15 **communication like this?**

16 A. It varies from one account or one selector
17 to many, like a whole spreadsheet full of them.

18 **Q. Can you estimate -- for example, in 2022,**
19 **can you estimate how many specific indicators have**
20 **been flagged for social media companies?**

21 A. I can't really estimate that number. I
22 can estimate that during 2020 I shared information
23 with the companies between one to five or one to
24 six times per month.

25 **Q. And you -- and they -- and there could be**

ELVIS CHAN 11/29/2022

Page 101

1 anywhere from one to a very large number, a whole
2 spreadsheet full of indicators that you'd be
3 flagging, fair to say?

4 A. That is fair. And when I say "large,"
5 maybe hundreds, but not thousands. I don't ever
6 recollect anything in the thousands, but maybe
7 hundreds.

8 Q. And then -- and that happened one to five
9 times a month in 2020, correct?

10 A. Yes.

11 Q. How about in 2022, did it also happen that
12 frequently?

13 A. In my recollection, maybe one to four
14 times a month.

15 Q. And then there would be a similar range of
16 the number of indicators flagged in each incident?

17 A. I would say for the 2022 cycle, that we
18 would not have in the hundreds. At the most it
19 would be in the -- in the tens, in the dozens.

20 Q. And do you send these out to all the
21 social media platforms? I think you mentioned
22 seven or eight that you regularly meet with. And
23 do they all get these Teleporter communications
24 flagging bad indicators for them?

25 A. I would --

1 MR. SUR: Objection; mischaracterizes the
2 record, vague.

3 THE WITNESS: I would say in general that
4 the companies I mentioned to you before would
5 receive these.

6 However, there would be some occasions
7 that it would be company-specific information that
8 we would not share across all the companies that I
9 previously mentioned.

10 Q. BY MR. SAUER: So sometimes it would
11 relate to all of them; sometimes it might be just a
12 Facebook issue or a Twitter issue or something like
13 that, fair to say?

14 A. I would say most of the time we would
15 share with that list of companies, and a few of the
16 times we would share with just one company or two
17 companies.

18 Q. Okay. Do you ask them to kind of report
19 back to you on whether they take any action on
20 those?

21 MR. SUR: Objection; vague.

22 THE WITNESS: The typical language we
23 would use is, "We would appreciate any information
24 you're able to share back with us about this
25 information and if you were to take any actions

1 based on this information."

2 Q. BY MR. SAUER: And do they typically
3 comply with that request?

4 MR. SUR: Objection; vague.

5 THE WITNESS: I would say sometimes.
6 Some -- I would say at every quarterly meeting we
7 try to follow up to ask if information we shared
8 has been relevant if we have not received a
9 response yet.

10 However, the companies either say they
11 don't have anything additional to share or they do
12 not find anything based on the information we
13 shared.

14 Q. BY MR. SAUER: So sometimes they'll report
15 back and say, "Hey, thanks for providing this
16 information. We've taken down some of the
17 accounts," or something like that? That happens
18 sometimes, you say?

19 A. That is correct. And when it happens,
20 we -- I will document it, and the reason for that
21 is because that helps us fine-tune the information
22 that we're sharing.

23 Q. Uh-huh. And then I take it sometimes they
24 just -- they don't tell you what they did with it,
25 right?

1 A. That is correct.

2 Q. But then every -- I take it at every
3 quarterly or monthly meeting, you usually follow up
4 and ask them, "Hey, did you take any actions on
5 these reports we made," right?

6 A. We try to at quarterly meetings.

7 Q. Right. And I take it they don't always
8 answer that question, fair to say?

9 A. They will always respond, but they will
10 say, "Sorry. We don't have anything to share."

11 Q. Okay. And do you know why they are
12 reluctant to tell you whether they took things down
13 or not?

14 MR. SUR: Objection; vague, calls for
15 speculation, mischaracterizes the record.

16 THE WITNESS: I don't know why -- I focus
17 on when they do let us know about actions that
18 they've taken.

19 Q. BY MR. SAUER: When you say you focus on
20 that, what do you do with that information?

21 A. I document it, and then I relay it back to
22 the field office, where it gets logged where that
23 information came from.

24 Q. Do essentially all these communications
25 kind of pass through you because you are the

ELVIS CHAN 11/29/2022

Page 105

1 **relevant field officer in San Francisco, where**
2 **these companies are located?**

3 A. I would say I'm one of the primary people
4 with pass-through information. However, we have
5 agents on the different cyber squads and our
6 private sector-engagement squad who also relay
7 information to the companies.

8 Q. Who are those agents who relay this kind
9 of information about a sort of problematic content
10 on their platforms to social media?

11 (Discussion off the record.)

12 (Reporter read back as requested.)

13 THE WITNESS: So the question is: Who are
14 these agents who do that? I would say for that
15 sort of information it is not specifically about,
16 quote, problematic content. It is specifically
17 about cyber investigations, which are different
18 from malign-influence investigations.

19 Q. BY MR. SAUER: Let me rephrase the
20 question. Focusing on disinformation and
21 malign-foreign-influence operations, are there any
22 other FBI officials besides yourself who are
23 involved in communicating those kinds of concerns
24 to social media platforms outside the context of
25 the quarterly meetings you've talked about?

ELVIS CHAN 11/29/2022

Page 106

1 A. Yes. I have squad supervisors who are
2 GS-14-level employees who share information to the
3 companies as well.

4 MR. SUR: I'm sorry to interrupt. The
5 videographer is suggesting that we go off the
6 record for technical reasons.

7 THE VIDEOGRAPHER: We're off the record at
8 11:40 a.m.

9 (Whereupon a recess was taken.)

10 THE VIDEOGRAPHER: Back on the record at
11 11:43 a.m.

12 **Q. BY MR. SAUER: Mr. Chan, I think you were**
13 **saying you have two GS-14 officials who also**
14 **communicate with social media platforms about**
15 **disinformation, correct?**

16 A. That is correct.

17 **Q. Are those people who report to you in the**
18 **San Francisco office?**

19 A. They report to me directly.

20 **Q. Other than those individuals, are there**
21 **any other FBI officials who, to your knowledge,**
22 **communicate with social media platforms about**
23 **disinformation?**

24 A. Yes. The agents on those two supervisors'
25 squads.

ELVIS CHAN 11/29/2022

Page 107

1 Q. And -- I'm sorry. What are the two
2 supervisors' squads? Are they located in San
3 Francisco?

4 A. Yes, they are. They are located in the
5 San Francisco field office.

6 Q. Are those agents that also report to you
7 as the ASAC?

8 A. That is correct. They report to the
9 supervisors, who report directly to me.

10 Q. And those supervisors are the GS-14s that
11 you just talked about, right?

12 A. That is correct.

13 Q. How about outside the San Francisco field
14 office, are you aware of -- well, just a second.
15 How many agents are we talking about there in total
16 who engage in these communications with social
17 media platforms about disinformation from the San
18 Francisco field office?

19 A. I would say the two supervisors that I
20 already mentioned and four agents on one squad and
21 another agent on another squad.

22 Q. What kinds of communications do they have?
23 Do they just send the Teleporter links, or do they
24 get on the phone and talk to social media
25 platforms? What's the nature of their

1 **communication?**

2 A. So both of the things that you said. So
3 they will give them a heads-up if they need to
4 relay information through Teleporter; and both of
5 those squads have active investigations where they
6 share unclassified, strategic-level information
7 with the companies.

8 **Q. So they would share both strategic and**
9 **tactical information?**

10 A. That is correct.

11 **Q. And then would they be involved in**
12 **following up to find out if their -- the tactical**
13 **information was acted on?**

14 A. Yes, they would.

15 **Q. So and that might apply to you, the two**
16 **GS-14s and the six field agents on the two squads**
17 **you referred to?**

18 A. Yes, that is correct.

19 **Q. Okay. Then how about outside the San**
20 **Francisco field office? Are you aware of any other**
21 **agents who -- are you aware of any other FBI**
22 **officials who communicate with social media**
23 **platforms about disinformation?**

24 A. So I am only aware of the FBI officials or
25 employees who we invite to provide briefings at the

1 quarterly meetings.

2 **Q. Okay. So that includes people who -- at**
3 **FITF in Washington, D.C.?**

4 A. That's correct.

5 **Q. Is Laura Dehmlow -- she's the head of**
6 **FITF, right?**

7 A. Currently she's the section chief and head
8 of the FITF.

9 **Q. And does she come to all of those**
10 **meetings?**

11 A. I would say in the 2020 election cycle she
12 had not been promoted yet and she was the unit
13 chief for the China unit, and I would say she
14 attended most of those quarterly meetings.

15 Since she has been promoted to be the head
16 of the FITF, she has not attended as frequently. I
17 believe she's only attended one set of meetings
18 this year.

19 **Q. What level of people do attend? You know,**
20 **what sorts of people attend those meetings?**

21 A. So Laura Dehmlow would be the
22 highest-ranking FBI official to attend. She is the
23 SES level. I would be the second-highest-level
24 attendee, as a GS-15. And then everyone else would
25 be below my grade, ranging from GS-14s to perhaps

ELVIS CHAN 11/29/2022

Page 110

1 GS-10 agents.

2 **Q. How long do these meetings last typically?**

3 A. We like to keep a tight agenda, and so it
4 will typically last one hour.

5 **Q. And about how many people would attend on**
6 **the FBI side -- or do attend on the FBI side?**

7 A. I would say from the Foreign Influence
8 Task Force, between three to ten. However,
9 typically only one to two people from each of the
10 three units speaks. And then we would usually have
11 one field office comprised of two
12 representatives -- between one to three field
13 offices attend. So one to two representatives from
14 each of those field offices.

15 **Q. So I can't do that math in my head, but it**
16 **is north of ten frequently?**

17 A. Yeah. If you do the math, it could be as
18 high as a dozen.

19 **Q. And then how many people typically attend**
20 **on the social media platform side?**

21 A. I would say a similar amount. For the --
22 I'm sorry. I would say for the three larger
23 companies -- specifically Google/YouTube, Facebook
24 and Twitter -- it would be equal numbers or higher
25 numbers than the FBI.

ELVIS CHAN 11/29/2022

Page 111

1 Q. When you provide tactical information to
2 the social media platforms -- in other words, lists
3 of social media accounts, URLs and other things of
4 that nature -- how do you verify that those
5 actually are inauthentic accounts and not actual
6 real accounts by real people?

7 MR. SUR: Objection; implicates the law
8 enforcement privilege.

9 I will ask that the witness answer only in
10 generalities without disclosing the details of any
11 particular investigation.

12 THE WITNESS: Understood.

13 So there are -- the FBI, as the lead law
14 enforcement agency and domestic security agency for
15 the federal government has two types of
16 authorities. One, which you're very familiar with,
17 Title 18 criminal authorities and all that
18 entails -- subpoenas, search warrants, 2703(d)
19 orders -- is one way that we acquire information
20 for investigations.

21 On the national security side, we have
22 Title 50 authorities and then the authorities from
23 the Foreign Intelligence Surveillance Act, from
24 the -- from the PATRIOT Act, from Executive Order
25 12333 that allows us to gather national security

1 intelligence.

2 And so broadly we are able to use both
3 types of techniques to gather the intelligence that
4 we need to -- and then there is a -- in the case of
5 the national security side, there is a
6 declassification process that has to take place
7 before we are allowed to share information with the
8 social media companies.

9 Q. BY MR. SAUER: Let me ask you this: You
10 had cited an example earlier where, for example, a
11 Teleporter message was sent with a spreadsheet with
12 hundreds of accounts back in 2020. Do you remember
13 talking about that?

14 A. Yes.

15 Q. How sure are you that every single one of
16 those accounts is actually an inauthentic kind of
17 Russian-originated account as opposed to, you know,
18 actually a real account of somebody who's got a
19 Facebook or Twitter or YouTube account?

20 MR. SUR: Objection; compound.

21 THE WITNESS: Within the U.S. intelligence
22 committee, as you're familiar, there are different
23 levels of confidence in terms of the information
24 that, you know, we are reviewing in a product. And
25 we only share information that we have high

1 confidence that is attributed to a foreign-state
2 actor.

3 Q. BY MR. SAUER: Is "high confidence" always
4 correct or usually correct, in your experience?

5 A. In my experience, it has always been
6 correct.

7 Q. So anything for the --

8 A. For the selectors that we are providing.
9 I do not remember an instance where we have
10 provided selectors where any of the social media
11 companies have said, "Elvis, this is actually
12 U.S.-person information."

13 Q. So you are not aware of ever getting
14 feedback from them where they said you guys
15 accidentally identified real users?

16 A. That is correct.

17 Q. Do they always tell you -- let me ask you
18 this: How many of the ones that you flag do they
19 take down?

20 A. I couldn't even estimate that number.

21 Q. How about as a percentage?

22 A. I couldn't even estimate. And let me --
23 let me tell you part of the reason is because we
24 may share, for example, one account with them, but
25 then they may find ten connected accounts and take

1 all of them down. And they don't always tell us
2 when -- you know, how many accounts were taken
3 down. Sometimes they will tell us. Sometimes they
4 will tell us, "Thank you, Elvis. We were able to
5 detect this information and took all of the
6 accounts down." And when we ask for the specifics,
7 they don't necessarily tell us all the time.

8 **Q. Right. Okay. But it sounds like**
9 **sometimes your reports lead to more takedowns than**
10 **the accounts you have -- you flagged, fair to say?**

11 A. That is correct.

12 **Q. How confident are you that they are not,**
13 **you know, kind of making mistakes in taking down**
14 **real user accounts?**

15 MR. SUR: Objection; calls for
16 speculation, lacks foundation.

17 THE WITNESS: So this is just my personal
18 opinion, obviously not based on being able to see
19 any of their data. In my experience, they take
20 account takedowns very seriously because this
21 affects their bottom line.

22 So no social media company wants to take
23 down a large number of accounts, because one of the
24 things they base their ad sales on is how many
25 users are on their platform. So in my opinion,

ELVIS CHAN 11/29/2022

Page 115

1 they take it very seriously. And I would say that
2 to the best of their ability, they are very careful
3 before doing account takedowns.

4 Q. BY MR. SAUER: I think that ties back into
5 something you said earlier, which was in 2016 they
6 really didn't do any account takedowns, fair to
7 say?

8 A. That is correct.

9 Q. And it -- and I take it they may have had
10 a -- I -- we may be speculating here, if you know.
11 Do you know if that was because they have a
12 financial incentive to leave those accounts up
13 because it increases their ad revenues?

14 MR. SUR: Objection; calls for
15 speculation.

16 THE WITNESS: I wouldn't even begin to
17 speculate. I don't know why.

18 Q. BY MR. SAUER: Let me ask you this: Why
19 did things change, in your view? I take it in 2018
20 and 2020 there were many more account takedowns,
21 right?

22 A. So there are two parts to your question.
23 Why do I think they did it? I can provide you with
24 my personal opinion.

25 Q. Okay.

ELVIS CHAN 11/29/2022

Page 116

1 A. My -- I believe pressure from Congress,
2 specifically HPSCI and SSCI, may have had a part of
3 it.

4 And then also because I believe that they
5 felt that this may have damaged their brands, but
6 that is my personal opinion.

7 **Q. Okay. Well, let me ask you this: When**
8 **you say "pressure from Congress" and you mentioned**
9 **HPSCI and SSCI, what are HPSCI and SSCI? Are**
10 **those -- are those committees?**

11 A. I'm sorry. HPSCI is the -- the House
12 Permanent Select Committee on Intelligence. And
13 SSCI is the Senate Select Committee on
14 Intelligence.

15 **Q. Starting with the House Permanent Select**
16 **Committee on Intelligence, what kind of pressure**
17 **did they put on the social media platforms to, you**
18 **know, engage more aggressively in account**
19 **takedowns?**

20 A. They compelled -- I don't know if they
21 compelled. They requested the CEOs for the
22 companies that I mentioned, the -- to testify in
23 front of their committee.

24 **Q. And so they kind of brought in Mark**
25 **Zuckerberg and Jack Dorsey and Sundar Pichai and**

1 had them testify in front of Congress?

2 A. That is correct.

3 Q. And that happened -- that happened once or
4 it happened multiple times?

5 A. To my knowledge, that happened more than
6 once.

7 Q. And you believe that that -- that that
8 kind of scrutiny and public pressure from Congress,
9 in your view, motivated them to be more aggressive
10 in the account takedowns?

11 MR. SUR: Objection; lacks foundation,
12 calls for speculation.

13 THE WITNESS: That is just my personal
14 opinion.

15 Q. BY MR. SAUER: Yeah. What is the basis
16 for your opinion? Has anyone at a social media
17 platform ever made a comment to you that would
18 reflect that -- that view?

19 A. I would say yes. And the types of
20 comments that I have received are that staffers
21 from both of those committees have visited with
22 those companies. And while they would not reveal
23 the types of discussions that they had with these
24 House and Senate staffers, they would indicate that
25 they had to prepare very thoroughly for these types

ELVIS CHAN 11/29/2022

Page 118

1 of meetings and that it was -- they indicated that
2 it felt like a lot of pressure.

3 **Q. "They" is representatives of social media**
4 **platforms?**

5 A. Yeah. The social media companies that
6 were visited.

7 **Q. What -- what social media companies were**
8 **visited by these HPSCI and SSCI staffers?**

9 A. To my knowledge, it was the three
10 companies that I've mentioned, which include
11 Facebook, Google and Twitter.

12 **Q. And Facebook, Google and -- Facebook,**
13 **Google and Twitter employees all told you that they**
14 **experienced these visits from congressional**
15 **staffers as exercising a lot of pressure on them?**

16 A. That was how I interpreted their comments.

17 **Q. And then you infer from that that their**
18 **changes in takedown policies resulted from that**
19 **kind of pressure from Congress?**

20 A. That is my personal opinion.

21 If I can add, I think some of -- some of
22 what was discussed -- I'm interpreting what -- some
23 of what was discussed. But what the -- the
24 staffers would come and talk to us either before or
25 after they met with those three companies. And so

1 what was discussed with us was legislation that
2 they were thinking about doing, and them asking for
3 our opinion.

4 **Q. Uh-huh. When you say "legislation that**
5 **they were thinking about doing," what do you mean?**

6 A. Legislation that either HPSCI or SSCI was
7 thinking about doing.

8 **Q. So HPSCI and SSCI, these committees on**
9 **intelligence, their staffers would be communicating**
10 **to the social media platforms Facebook, Twitter and**
11 **Google or YouTube that they intended to try and**
12 **pass legislation?**

13 A. So I inferred that because that is what
14 they discussed with me personally.

15 **Q. That is what they, the social media**
16 **platforms, discussed with you, correct?**

17 A. No, no. That is what HPSCI and SSCI
18 discussed with me when they were coming to these
19 meetings.

20 **Q. Oh, did you -- were you in on these**
21 **meetings? Like, were you included in the meetings**
22 **with the congressional staffers?**

23 A. So I and FBI San Francisco personnel would
24 meet with the congressional staffers, typically
25 before they met or after they met with the social

ELVIS CHAN 11/29/2022

Page 120

1 media companies. And the reason for that is
2 because they wanted an FBI opinion about what they
3 had heard from the social media companies.

4 Q. I got you. What did they -- first of all,
5 when did these meetings occur? Was this in 2017,
6 2018, 2019, 2020? What time frame?

7 A. I can't recollect, but I do -- they felt
8 like an annual occurrence after -- after 2017.

9 Q. And the congressional staffers would tell
10 you in advance, "We're going to meet with the
11 social media companies and -- and tell them about
12 legislation we want to advance," correct?

13 A. No.

14 Q. I'm sorry.

15 A. What they would say -- what they would say
16 is they would tell us, "We plan to meet with these
17 three companies, and what have you been doing with
18 these three companies?"

19 And then we would share, like, the cases
20 or -- that we would be working on, but we would be
21 in a classified setting. So we would be able to
22 speak more freely about the types of investigations
23 that were the most prominent or the most active on
24 our side, that they were either -- their -- their
25 platforms were impacted at some point. That is --

ELVIS CHAN 11/29/2022

Page 121

1 would be the nature of our discussion with the
2 staffers.

3 But I would not meet with the staffers and
4 the social media companies. The staffers had
5 separate meetings with each of the companies.

6 **Q. Okay. And then after those meetings, the**
7 **staffers would come to you and ask your opinion**
8 **about potential legislation?**

9 A. That is correct.

10 **Q. What sort of legislation?**

11 MR. SUR: I am going to object. The
12 deliberative process privilege extends not just to
13 the executive branch, but all sorts of executive
14 communications within the government.

15 So if you can answer at a level of
16 generality that avoids disclosing the
17 particularities of any deliberations. If you -- if
18 you cannot, then I instruct you not to answer.

19 THE WITNESS: I cannot discuss it in
20 general terms.

21 **Q. BY MR. SAUER: Okay. Well, let me ask you**
22 **this just generally. Did the legislation relate to**
23 **Section 230 of the Communications Decency Act?**

24 MR. SUR: I am going to stand by the same
25 objection on the grounds of deliberative process

1 privilege.

2 MR. SAUER: The deliberative process
3 privilege does not apply, quote, when there is any
4 reason to believe that government misconduct has
5 occurred. The judge by ordering this deposition
6 has already concluded there's potential First
7 Amendment violations in this case that need to be
8 explored, so the privilege does not apply.

9 MR. SUR: We are at the -- at the pleading
10 stage on the First Amendment violations, and the
11 judge has not ruled on any particular privilege
12 question. So I will continue to assert and ask
13 that the witness not answer the question on the
14 grounds of the deliberative process privilege.

15 Q. BY MR. SAUER: Let me ask you this: The
16 social media platforms talk to you -- people on the
17 social media platforms talk to you as well, right?

18 A. Yes. I talk with the social media
19 platform personnel regularly.

20 Q. And I think you'd said earlier that they
21 had kind of just made statements to you that
22 indicated that they felt that these meetings, these
23 annual meetings with congressional staffers put a
24 lot of pressure on them, right?

25 A. That was my interpretation of their

1 comments. I don't recollect any of them using the
2 specific word "pressure," but that was how I
3 interpreted our conversations.

4 **Q. What congressional staffers were involved**
5 **in these meetings?**

6 A. They would be senior-level staffers. I'm
7 sorry. I can't remember any of their names. But
8 typically it would be -- the delegation would
9 include a senior-level staffer, I think a
10 director-level; and then one of their attorneys,
11 like the committee counsel or a senior counsel for
12 the committee; and then there would be one to two
13 other, like, line-level staffers.

14 **Q. So there would be maybe three to five**
15 **staffers total who would come to the meetings?**

16 A. That is correct.

17 **Q. Do you know who at the three social media**
18 **platforms you referred to attended the meetings?**

19 A. So I was told by the staffers that they
20 met with Facebook, Google and Twitter.

21 **Q. But then you actually talked to some**
22 **people from Facebook, Google and Twitter who were**
23 **at those meetings, right?**

24 A. Yes.

25 **Q. Who were they for Facebook, for starters?**

1 A. For Facebook, I would typically talk to
2 Steven Siegel. He's a -- a director on their
3 attorney side.

4 **Q. Anyone else at Facebook that was involved**
5 **in the meetings with congressional staffers?**

6 A. He would be the one that I would talk to
7 about that.

8 **Q. And he -- for some --**

9 A. That's what I recollect.

10 **Q. And specifically he was involved in those**
11 **meetings, right?**

12 A. He led me to believe that he was involved
13 in those meetings. Probably not just him.

14 **Q. How about -- how about Twitter, what -- do**
15 **you know who at Twitter was involved in those**
16 **meetings?**

17 A. I would have discussions with Yoel Roth or
18 Angela Sherrer.

19 **Q. How do you spell "Angela Sherrer"?**

20 A. Angela, common spelling; Sherrer,
21 S-h-e-r-r-e-r.

22 **Q. Anyone else?**

23 A. She is no longer -- she's no longer -- or
24 neither of them are at Twitter anymore.

25 **Q. Okay. There's some turnover there?**

ELVIS CHAN 11/29/2022

Page 125

1 A. Yes.

2 Q. Anyone else at Twitter?

3 A. Those would be the two senior officials
4 that I am aware of.

5 Q. How about Google?

6 A. I would say in my experience it would be
7 Richard Salgado.

8 Q. Anyone else besides Richard Salgado?

9 A. I believe on some occasions Shane Huntley
10 would attend.

11 Q. Anyone else at Google?

12 A. I can't recollect at this time, but those
13 would be the two most senior officials attending
14 those types of meetings.

15 Q. Let me ask you this: Connecting these two
16 things, did you observe that after those meetings
17 where the congressional staffers came out and met
18 with Facebook, Twitter and YouTube; that Facebook,
19 Twitter and YouTube changed their practices and
20 became more active in account takedowns?

21 A. No. I would not connect those two events.
22 What I would say is after 2016 -- at the end of
23 2016 and the beginning of 2017, after those initial
24 congressional hearings, and even prior to those
25 congressional hearings, in my experience, the

1 companies did not seem to be aware of the
2 activities going on on other platforms. But after
3 they became aware, they became much more active in
4 trying to combat it.

5 Q. I am going to pull up your thesis again,
6 and hopefully it won't cause audio problems. Can
7 you see that?

8 A. Can you let us know what page you're on?

9 Q. Yeah. This is on Page 42. See down
10 there, that's Page 42? And then that would be Page
11 66 of the PDF.

12 A. Okay. I can see one whole paragraph and
13 parts of two paragraphs.

14 Q. Can you see here at the top of the page
15 where you refer to the "Internet Research Agency's
16 influence campaign in 2016"?

17 A. Yes.

18 Q. And then you say that the "companies
19 allowed the IRA free rein to achieve the relevant
20 elements of the Kartapolov Framework" in 2016,
21 right?

22 A. Yeah. That is how I characterize that.

23 Q. And that's a reference to, you know, "free
24 rein," that is engaging in no takedown activity at
25 all, but letting the Russian inauthentic content be

ELVIS CHAN 11/29/2022

Page 127

1 **freely disseminated on their platforms, right?**

2 A. That is correct.

3 Q. And then you go on to say, "However, later
4 on, intense pressure from U.S. lawmakers and the
5 media would eventually force the social media
6 companies to examine what had taken place on their
7 platforms and strive to ensure it did not happen in
8 the future," right?

9 A. Yeah. I wrote that. And you can see that
10 the footnote says I am referencing the HPSCI
11 "Report on Russian Active Measures."

12 Q. So you're actually referencing HPSCI, the
13 congressional committee that sent these staffers
14 out to have these meetings that we just talked
15 about, right?

16 A. That's correct.

17 Q. Do you still agree with that statement
18 that (as read) "intense pressure from U.S.
19 lawmakers and the media forced the social media
20 companies to examine what had taken place and
21 strive to ensure it did not happen in the future"?

22 A. Yes. I wrote that statement, and I agree
23 with it.

24 Q. That's a consistent approach with the
25 Footnote 185 that cites the congressional reports

ELVIS CHAN 11/29/2022

Page 128

1 as well as what you said earlier about, you know,
2 calling the tech CEOs in to testify in front of
3 Congress and these meetings out here in San
4 Francisco, right?

5 A. Yes. That is my personal opinion.

6 Q. Okay. I want to jump ahead to Page 46 of
7 your thesis. Can you still hear me?

8 A. Yes.

9 Q. Okay. Do you see here on Page 46, Page 70
10 of the PDF?

11 A. "Facebook stated it took a series of
12 measures"?

13 Q. All right.

14 (Discussion off the record.)

15 THE WITNESS: I read the first sentence of
16 the second paragraph.

17 Q. BY MR. SAUER: Right. If I could direct
18 your -- can you hear me now?

19 A. Yes.

20 Q. Directing your attention higher up, at the
21 very top of the page, you say, "Facebook and
22 Twitter appeared to be the most detailed in sharing
23 their changes and the most public about account
24 takedowns," right?

25 A. That is correct.

ELVIS CHAN 11/29/2022

Page 129

1 Q. And "their changes," what are those? Is
2 that a reference to substantive actions and policy
3 changes to address malign foreign influence?

4 A. Yes.

5 Q. And your footnotes there I think refers to
6 changes that they actually made to their
7 content-modulation policies, right, their terms of
8 service?

9 A. That is correct. Whenever --

10 (Discussion off the record.)

11 THE WITNESS: Okay. Can you -- can you
12 scroll back to the sentence you were on, Mr. Sauer?

13 Oh, I wanted to clarify that the
14 substantive actions refers to, like, the
15 technology-detection methods, right? That is one
16 of the substantive actions.

17 And then, as you mentioned, yeah, the
18 policy changes specifically to their terms of
19 service or community standards.

20 (Discussion off the record.)

21 THE WITNESS: -- and community -- or
22 community standards.

23 Q. BY MR. SAUER: Got you. So the policy
24 changes are changes -- the substantive changes are
25 their using algorithms to detect inauthentic

1 **content, right?**

2 A. Correct. That is -- that is what I'm
3 referring to.

4 **Q. And then these -- the policy changes are**
5 **actually changing their terms of service to make**
6 **things -- to clarify that certain things actually**
7 **violate their policies and can be taken down,**
8 **right?**

9 A. Correct.

10 **Q. So those are kind of more robust or more**
11 **aggressive content-modulation policies that they**
12 **have adopted in this time frame, right?**

13 A. Yes.

14 **Q. And you go on to say in the next page,**
15 **"Facebook and Twitter appeared to be the most**
16 **detailed in sharing their changes and the most**
17 **public about account takedowns," right?**

18 A. That is correct.

19 **Q. And the changes they shared were they**
20 **shared that they had both -- well, include the**
21 **policy changes, the changes to their terms of**
22 **service, right?**

23 A. Yes. They were very public in blog posts
24 about the terms-of-service changes --

25 (Discussion off the record.)

ELVIS CHAN 11/29/2022

Page 131

1 THE WITNESS: -- is their term for it --

2 (Discussion off the record.)

3 THE WITNESS: And providing reports of
4 account takedowns of foreign malign influence.

5 Q. BY MR. SAUER: So in addition to notifying
6 the FBI that they had taken stuff down, they would
7 provide a public report saying, "Hey, we took down
8 all the -- a certain number of accounts in the last
9 quarter"; is that what they would do?

10 A. Yes, yes.

11 Q. Okay. And you go on to say, "A possible
12 reason could be that Facebook and Twitter faced
13 more Congressional scrutiny than Google as their
14 senior executives testified before Congress on
15 three separate occasions before the midterm
16 elections" --

17 A. Uh-huh.

18 Q. -- is that right?

19 A. Yes. I do cite a news article. I --
20 however, I do share the opinion of that article.

21 Q. And that's consistent with what we just
22 talked about a moment ago, which is that one way
23 that these social media platforms experience
24 pressure was Mark Zuckerberg and Jack Dorsey had to
25 go testify in front of Congress multiple times.

ELVIS CHAN 11/29/2022

Page 132

1 And you infer from that that may have led to their
2 changing their terms of service to be more robust
3 and to prevent certain kinds of content from being
4 posted; fair to say?

5 MR. SUR: Objection; mischaracterizes the
6 record.

7 THE WITNESS: My personal opinion is that,
8 yeah, the -- my personal opinion is that political
9 pressure from Congress was a contributing factor.

10 Q. BY MR. SAUER: On the next page, Page 47,
11 you talk about there were a significant number of
12 takedowns, right? "In 2018, Twitter announced the
13 takedown of 3,613 IRA-associated accounts."

14 A. Yeah. I see that at the bottom of the
15 first paragraph on that page.

16 Q. Do you have any way of knowing if all of
17 those were actually IRA-associated or some of them
18 might have been authentic accounts?

19 A. Well, I only know what Twitter has told
20 us.

21 Q. Jumping ahead in your thesis to -- a
22 couple pages, to Page 49, you talk about how
23 something "provided politicians with the occasion
24 to exert pressure on the companies to make
25 constructive changes to their platforms," right?

ELVIS CHAN 11/29/2022

Page 133

1 A. Yeah, that was my assessment.

2 Q. Yeah. And in other words, this is, again,
3 another way of saying something we have been
4 talking about, that politicians, including members
5 of Congress, pressured the social media companies
6 to make changes to their platforms to address
7 malign foreign influence, correct?

8 A. That is correct.

9 Q. And you described it as "constructive
10 changes." So by and large you approve of the
11 policy changes and substantive actions that were
12 taken after 2016, correct?

13 MR. SUR: Objection; lacks foundation.

14 THE WITNESS: The reason I said it was
15 constructive was that it appeared the social media
16 companies were able to detect and counter
17 foreign-malign-influence operations on their
18 platforms, which I believe was constructive.

19 Q. BY MR. SAUER: And do you think it's
20 constructive that they are better equipped to
21 engage in account takedowns?

22 A. That is correct. As compared to 2016 and
23 prior.

24 Q. And you think it is a positive development
25 between 2016 and 2018 that zero accounts were taken

ELVIS CHAN 11/29/2022

Page 134

1 down during the 2016 cycle but 3,613 Twitter
2 accounts were taken down in the 2018 cycle,
3 correct?

4 A. Yeah. The higher number is better than
5 zero, in my estimation.

6 Q. Because by and large you believe that
7 malign-foreign-influence accounts should be taken
8 down from Twitter, Facebook, YouTube and so forth?

9 A. Yes, that is my belief.

10 Q. In the next paragraph of the thesis, you
11 talk about the Global Engagement Center. What
12 exactly is that?

13 A. So as I mentioned, it -- legislation
14 established the Global Engagement Center within the
15 State Department. And based on my understanding
16 and review of reporting about the GEC, they were
17 primarily focused originally on countering foreign
18 terrorist organizations' propaganda.

19 Q. Do you -- and then did their mission
20 change to address malign foreign influence?

21 A. I -- yeah. I would say it has now -- in
22 my experience, it is now including malign foreign
23 influence as well.

24 Q. When you say your experience, do you
25 interact with the Global Engagement Center in your

1 **professional role?**

2 A. Yeah, I -- the -- yes. Ahead of the 2020
3 elections, I engaged with a regional representative
4 who was based here in San Francisco.

5 **Q. Who was that?**

6 A. His name was Sam Stewart.

7 **Q. Uh-huh. Was that Samaradun Kay Stewart?**

8 A. Yeah. Yeah, that's his full name.

9 **Q. What were your interactions with him?**

10 A. I would have periodic phone calls with
11 him. He would meet with the social media companies
12 separately from me. And from what he told me, it
13 seemed like he primarily met with policy
14 individuals. I -- I rarely, if ever, meet with
15 policy individuals.

16 As I mentioned to you before, I typically
17 meet with the trust and safety individuals and then
18 their associated attorneys.

19 **Q. Did he discuss with you the nature of the**
20 **meetings he had with the policy individuals at**
21 **social media platforms?**

22 A. I would say only broadly. He discussed
23 different initiatives that they have.

24 **Q. Would the social media platforms --**

25 A. And these initiatives include different

1 types of software made by vendors that they would
2 pilot to see if they could detect malign foreign
3 influence on social media platforms. And then he
4 would also share information from State Department
5 employees who were at embassies, you know, boots on
6 the ground type of information from the embassies
7 we have around the world.

8 That is the type of information that he
9 would share with me and let me know that that was
10 the type of information that he was sharing with
11 the companies.

12 **Q. That first piece of it is kind of**
13 **interesting because it sounds like that connects to**
14 **what you said earlier about the substantive actions**
15 **taken by the social media platforms. They adopted**
16 **computer programs or algorithms to try and detect**
17 **inauthentic foreign activity, correct?**

18 A. Yes. In my estimation, they use that type
19 of technology to detect and either knock down or
20 flag malign-foreign-influence activity.

21 **Q. It sounds like Mr. Stewart was, based on**
22 **your description, kind of offering them access to**
23 **the sorts of tools they might be able to use to**
24 **detect it, correct?**

25 MR. SUR: Objection; calls for

ELVIS CHAN 11/29/2022

Page 137

1 speculation, mischaracterizes the record.

2 THE WITNESS: So I don't know what outside
3 vendors any of the companies, any of the social
4 media companies use.

5 I do know that the -- Sam Stewart from the
6 Global Engagement Center, he -- he would provide
7 webinars to me from these different types of
8 vendors, and then the vendors would just come in
9 and share results that they have.

10 Q. BY MR. SAUER: When you say "results," are
11 these vendors who prepare computer programs to
12 detect, you know, inauthentic activity on social
13 media platforms?

14 A. That is my understanding.

15 Q. And you -- I take it you participated in
16 some of his presentations, or you --

17 A. I would say I went to two of those
18 webinars just to see what they were like.

19 However, based on my viewing of those two
20 webinars, I did not think it was useful from a law
21 enforcement standpoint.

22 Q. And would it be more useful -- in other
23 words, a more useful audience would have been the
24 social media platforms who might use such programs?

25 MR. SUR: Objection; vague.

ELVIS CHAN 11/29/2022

Page 138

1 THE WITNESS: I believe that is why Sam
2 Stewart would share that type of information. But
3 the reason I did not find it useful was because, as
4 a law enforcement agency and a domestic security
5 service, I am focused on the malign foreign actors
6 themselves and their activities. And what these
7 companies and applications did was just look at
8 the -- look at the content and activities from a
9 surface level.

10 So I would be concerned that that sort of
11 application might accidentally pick up U.S. people
12 information, and so that is not something that I
13 think would be useful or relevant to the FBI.

14 Q. BY MR. SAUER: And so your concern -- your
15 concern was that the GEC's kind of computer
16 programs that they were making available to social
17 media companies might be overinclusive and
18 misidentify authentic accounts as inauthentic
19 activity?

20 MR. SUR: Objection; lacks foundation,
21 calls for speculation, and mischaracterizes the
22 record.

23 THE WITNESS: So if I may -- if I may
24 respond to your question. So the State Department
25 is primarily a foreign-focus agency. And so in

ELVIS CHAN 11/29/2022

Page 139

1 their estimation -- I believe that in their
2 estimation their tools would be deployed overseas,
3 where I believe they do not have the same type of
4 legal training that I do specifically about First
5 Amendment protections. And so, you know, they are
6 overseas in embassies and their analysts are
7 overseas in embassies, and so they don't have the
8 same sorts of concerns that I would working at the
9 FBI is what I -- is my personal opinion.

10 **Q. BY MR. SAUER: Okay. And those concerns**
11 **specifically is that it would raise a First**
12 **Amendment concern if somebody's -- a real user's**
13 **account got accidentally taken down because the**
14 **State Department provided a computer program that**
15 **was overinclusive?**

16 MR. SUR: Objection; mischaracterizes the
17 record and calls for a legal conclusion.

18 **Q. BY MR. SAUER: But if -- yeah, if that**
19 **concern --**

20 A. So I don't think the State Department was
21 providing these programs to the companies. I think
22 the State Department was just providing a venue
23 where different vendors could show off their
24 products. I don't think they endorsed or did not
25 endorse these products, but they provided -- and it

1 wasn't just for the social media companies.

2 They would invite all sorts of audiences,
3 to include researchers, employees from State
4 Department counterparts, so typically Ministry of
5 Foreign Affairs. They would provide -- these were
6 open to the general public, but I believe the
7 audience that they were going for were State
8 Department-equivalent personnel, social media
9 companies and researchers.

10 MR. SAUER: Do you want to go off the
11 record?

12 THE WITNESS: That's just based on what --

13 THE VIDEOGRAPHER: Off the record at
14 12:27.

15 (Whereupon the noon recess was
16 taken.)

17 ---o0o---

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ELVIS CHAN 11/29/2022

Page 141

1 REMOTE VIA ZOOM, CALIFORNIA, NOVEMBER 29, 2022

2 AFTERNOON SESSION

3 ---o0o---

4 THE VIDEOGRAPHER: We are back on the
5 record at 1:20 p.m.

6 Q. BY MR. SAUER: Agent Chan, I just want to
7 direct your attention back to your thesis, Exhibit
8 1, for a few more questions. Let me know if you
9 have difficulty hearing me.

10 Here I am on Page 61 of your thesis, which
11 is Page 85 of the pdf. In here you discuss the
12 case of PeaceData, which was a website, right?

13 A. Yes, that is correct.

14 Q. What exactly was PeaceData? Was that a
15 Russian-originated website?

16 A. Yes. For the 2020 election cycle, that
17 was a website created by the Internet Research
18 Agency.

19 Q. And it was intended to sow kind of
20 disinformation and discord among kind of
21 left-leaning voters in the United States, right?

22 A. Yes.

23 Q. And then here in this sentence that I am
24 highlighting you say "Third, Reuters broke a story
25 about the IRA posing as PeaceData staff to hire

ELVIS CHAN 11/29/2022

Page 142

1 unwitting freelance journalists, including
2 Americans, to write articles for the site," right?

3 A. That is correct, and I cite the articles.

4 Q. Right. And then you go on to say that
5 "The Carnegie Endowment" "determined that at least
6 20 freelance journalists," which includes
7 Americans, "had been duped into writing articles
8 for the PeaceData outlet," right?

9 A. That is correct.

10 Q. Those articles were posted on that
11 website, right?

12 A. That is correct.

13 Q. Then that website, I take it, got taken
14 down as a result of the revelation that it was a
15 Russian mis- -- or Russian-originated site, right?

16 A. I do not believe it was taken down. I
17 believe it was just discredited. It may -- I
18 haven't checked it, but it was up for a while.

19 Q. And this is one of those sites that you
20 described as achieving fairly low engagement
21 earlier in the deposition; is that right?

22 A. Right. That is correct.

23 Q. Was the FBI involved in the investigation
24 of the PeaceData?

25 MR. SUR: Objection; vague.

ELVIS CHAN 11/29/2022

Page 143

1 THE WITNESS: So the FBI shared
2 information with the companies that it believed the
3 Internet Research Agency was standing up. Two
4 websites. One was PeaceData, and the other was
5 called NAEBC, which is an abbreviation for Newsroom
6 for American- and European-Based Citizens. So they
7 were supposed to be complementary news websites.
8 But we did tip the social media companies to both
9 of those sites.

10 Q. BY MR. SAUER: Did the social media
11 companies, to your knowledge, act on that
12 information and take actions to restrict social
13 media postings about those -- bombing those sites?

14 A. What they conveyed to me is that they
15 identified accounts that were foreign-associated,
16 so Internet Research Agency-associated, that were
17 directing users on those platforms to the PeaceData
18 website as well as the NAEBC website.

19 Q. So they identified. Did they take actions
20 against those accounts?

21 A. I believe they did.

22 Q. Okay. So this is a situation where the --
23 in the 2020 election cycle the tactics have evolved
24 and the Russians have now created a website, hired
25 Americans to write for the website and post

1 articles on it, and then are using fake accounts to
2 direct ordinary users to the content on that
3 website; is that right?

4 MR. SUR: Objection; assumes facts not in
5 evidence.

6 THE WITNESS: Yeah, so you have summarized
7 one of the shifts that I noticed in my thesis.

8 Q. BY MR. SAUER: Got you. And the FBI was
9 the organization that flagged this for social media
10 companies as -- the PeaceData site as a
11 Russian-originating site, correct?

12 A. Yes, that is my recollection.

13 Q. Okay. So in that you talked about the
14 NAEBC site, right? That's N-A-E-B-C, right?

15 A. Correct.

16 Q. And that was a more right-wing site that
17 the Russians originated?

18 A. Correct.

19 Q. And just turning two pages ahead in your
20 thesis to Page 63, you have a sentence here about
21 the NAEBC site that begins "Lastly, Graphika
22 determined that the IRA used various social media
23 accounts to engage with real users and convince
24 them to post on the NAEBC site, which met with some
25 success," correct?

ELVIS CHAN 11/29/2022

Page 145

1 A. Yes, I wrote that, and I was citing the
2 Graphika team report.

3 **Q. So it's your understanding that the NAEBC**
4 **site also included content drafted and written by**
5 **real users that had posted on that site?**

6 A. Yes, based on the Graphika report.

7 **Q. So it is a bit like the PeaceData site**
8 **where they had hired freelance journalists,**
9 **including Americans, to post on the site. Here**
10 **they induced social media users to post their own**
11 **thoughts on that site, right?**

12 A. That is correct, but we do not know the
13 nationality of the users because it wasn't
14 mentioned in the source that I used.

15 **Q. You don't know today whether those were**
16 **Americans or foreigners who were posting on that**
17 **NAEBC site, right?**

18 A. I do not.

19 **Q. But the NAEBC site was designed by the**
20 **Russians for Americans to read, right, or Americans**
21 **and Europeans; is that right?**

22 A. That is my assessment.

23 **Q. In fact, NAEBC stands for Newsroom for**
24 **American- and European-Based Citizens, right?**

25 A. That is correct.

1 Q. Higher on this page you describe these
2 people who posted on the site as unwitting
3 co-optees. Do you see that?

4 A. I do see that.

5 Q. So you have a situation where there's a
6 kind of, you know, intermingling or blending of the
7 inauthentic Russian content with essentially
8 authentic user-generated content, right?

9 MR. SUR: Objection; vague and ambiguous.

10 THE WITNESS: Yes, I characterize those
11 individuals as unwitting co-optees.

12 Q. BY MR. SAUER: And the FBI flagged the
13 NAEBC site for social media platforms as a kind of
14 Russian-originated source as well, right?

15 A. That is correct.

16 Q. Did you also flag social media accounts
17 that were engaged in directing people -- or
18 directing people to those sites, both PeaceData and
19 NAEBC, to the social media platforms?

20 MR. SUR: Objection; vague and ambiguous.

21 THE WITNESS: No, not to my recollection.
22 From my recollection, we provided those two
23 websites to include the URLs and then the companies
24 were able to discover Russian-controlled accounts
25 that were used to try to redirect users to those

1 websites.

2 Q. BY MR. SAUER: And the social media
3 companies told you that they had found them. Did
4 they say they had taken action against those
5 accounts?

6 A. Yes, they said that they had taken down
7 those accounts.

8 Q. Jumping ahead to Page 70 of your thesis,
9 which is Page 94 of the PDF, Table 5 here you have
10 a summary of Facebook takedowns from 2020, right?

11 A. Yes.

12 Q. And you have a grand total of 825 accounts
13 taken down from Facebook and Instagram pages -- or
14 platforms, right?

15 A. That is correct.

16 Q. So I think part of your thesis points out
17 that Facebook was much, much more active in the
18 2020 election cycle in removing
19 malign-foreign-influence accounts than it had been
20 in 2016, right?

21 A. That is my assessment.

22 Q. And in your thesis, you only cite the four
23 publicly cited in media reports instances where the
24 FBI had flagged stuff to Facebook and other social
25 media platforms, right?

ELVIS CHAN 11/29/2022

Page 148

1 A. That is correct. Because that was -- I
2 was writing the thesis for me personally, and I was
3 not representing -- you know, if you look at the
4 caveat in the first place, I was representing my
5 personal views and not necessarily the views of the
6 FBI regarding the thesis.

7 Q. But in your capacity as an FBI agent,
8 you're aware of a lot more than four instances
9 where the FBI had flagged accounts, right?

10 A. You are correct.

11 Q. In fact, I think you said it was one to
12 five instances per month in 2018 election cycle --
13 sorry, one to five instances per month during the
14 2020 cycle and one to four instances per month in
15 the 2022 cycle, correct?

16 A. That is correct. And the reason for that
17 is because that information is not publicly
18 available. So I could not use it in my thesis.

19 Q. Understood. And of those 825 accounts
20 from Facebook, do you have any idea, ballpark, how
21 many of those were the results of takedowns --
22 sorry. How many of those takedowns were the result
23 of information provided by the FBI?

24 A. Unfortunately I do not. I would love to
25 have that statistic, but I do not have that.

ELVIS CHAN 11/29/2022

Page 149

1 Q. You kind of asked them for that and they
2 haven't told you, right?

3 A. That is correct.

4 Q. Okay. But it's some subset of those
5 because you have been told on multiple occasions
6 that they have acted on information that you
7 provided, right?

8 A. That is my assumption.

9 Q. Next page you talk about in 2019, Twitter
10 announced two takedowns of 422 accounts which made
11 929,000 tweets, right?

12 A. That's correct.

13 Q. Can you look at the figure on that page?
14 Looks like the topics relate to the 2018 midterms,
15 MAGA, ReleaseTheMemo and other subjects; is that
16 right?

17 A. That is correct.

18 Q. ReleaseTheMemo is some -- some sort --
19 some trend that's designed to appear -- to appeal
20 to conservative voters, right?

21 A. Honestly, I can't remember.

22 Q. In any event, do you know how many of
23 these 422 accounts and 929,000 tweets that were
24 removed were the result of FBI information?

25 A. I do not.

ELVIS CHAN 11/29/2022

Page 150

1 Q. It is some subset of those, but they
2 haven't given you the precise numbers; is that fair
3 to say?

4 A. That is -- that would be my assumption.

5 Q. And then the next page, again, there's a
6 reference to Twitter announcing four sets of
7 takedowns with 1,233 accounts as well. Same
8 question: I take it that some of those are due to
9 the FBI, but you don't know how many?

10 MR. SUR: Objection; calls for
11 speculation.

12 THE WITNESS: I would assume that some
13 subset of that amount was due to information we
14 provided, but I do not know the exact number.

15 Q. BY MR. SAUER: And at some level you know
16 that some are because Twitter's told you on at
17 least some occasions, "Yes, we acted on your
18 information and took down problematic accounts,"
19 right?

20 A. That is correct.

21 Q. Let's jump ahead to Page 76 of your
22 thesis. You have a discussion of some meetings
23 here at the bottom of the page. You see where I
24 am? On September -- you talk about how the U.S.
25 government was more engaged ahead of the 2020

1 **elections, right?**

2 A. I said the government appeared to be more
3 engaged with social media companies.

4 **Q. In fact, based on your actual experience,**
5 **were you more engaged?**

6 A. I would personally characterize it as
7 being more engaged. However, I cannot discuss that
8 in a thesis.

9 **Q. Got you. This next sentence you say**
10 **"September 4th, 2019, Facebook hosted an election**
11 **security meeting with FBI, DHS and ODNI," right?**

12 A. That's correct.

13 **Q. Were you at that meeting?**

14 A. I was at that meeting.

15 **Q. Who else was at that meeting from the FBI?**

16 A. I specifically remember two attorneys
17 being at that meeting, but they are both GS-14
18 attorneys.

19 **Q. Don't tell me their names. Anyone else**
20 **from the FBI?**

21 A. No. I believe I -- yeah, I was the only
22 non-FBI -- I'm trying to remember if any FITF
23 employees came. Actually, yes, I believe one
24 employee from FITF came, but I am not completely
25 sure.

1 **Q. Do you know who it was?**

2 A. Yeah, he's another GS-15. It would be the
3 unit chief for the Russian unit.

4 **Q. How about from DHS, were those CISA**
5 **individuals?**

6 A. I definitely remember Matt Masterson being
7 there, but I do not remember if Brian Scully was
8 there. Oh, I also remember the director of CISA,
9 Mr. Krebs, was there as well.

10 **Q. So Krebs, Masterson and possibly Scully**
11 **were at that meeting?**

12 A. Krebs and Masterson for sure, and I can't
13 remember if Scully was there.

14 **Q. Okay. What was discussed at this meeting?**

15 A. It was just an overall meeting to discuss
16 election security, and I think in my opinion,
17 Facebook held the meeting because they wanted all
18 of the relevant federal government components in
19 the same room to share what the federal government
20 agencies intended to do to ensure the safety of the
21 2020 elections.

22 **Q. Okay. And you go on to the next page to**
23 **say, "The other companies attending the meeting**
24 **included Google, Microsoft, and Twitter," right?**

25 A. Yeah. And you can see from the footnote

ELVIS CHAN 11/29/2022

Page 153

1 those were the only companies who were mentioned in
2 the article.

3 Q. Were there other companies there, since
4 you attended the meeting?

5 A. Yes, there were other companies there.

6 Q. Which ones?

7 A. I specifically remember Yahoo! was there.

8 Q. Any others?

9 A. Not from my recollection.

10 Q. Were the individuals from the social media
11 platforms at these -- at this meeting, were these
12 people from the site integrity or trust and safety
13 teams?

14 A. Yes.

15 Q. So those are the people on the social
16 media side who have responsibility for enforcing
17 content-modulation decisions and enforcing terms of
18 service?

19 A. That is --

20 MR. SUR: Objection; calls for
21 speculation, lacks foundation.

22 THE WITNESS: That is my understanding.

23 Q. BY MR. SAUER: Did you -- what was -- was
24 content modulation discussed at all? Was
25 disinformation discussed at this meeting?

ELVIS CHAN 11/29/2022

Page 154

1 MR. SUR: Objection; vague and ambiguous.

2 THE WITNESS: From my recollection, the
3 social media companies were focused on discussing
4 disinformation, and the FBI was really focused on
5 the actors who were involved, specifically the
6 Internet Research Agency.

7 Q. BY MR. SAUER: So this was an information
8 where disinformation was discussed and removing
9 disinformation from platforms?

10 A. So the social media companies discussed
11 that. We, the FBI, did not discuss that.

12 Q. What did CISA discuss at this meeting,
13 Mr. Krebs and Mr. Masterson or Mr. Scully, if he
14 was there?

15 A. From my recollection, CISA just discussed
16 what their role was and is in securing election
17 infrastructure and supporting election officials.

18 Q. Did they talk about disinformation?

19 A. I do not remember them talking about
20 disinformation.

21 Q. How about ODNI, did they talk about
22 removing disinformation?

23 A. No, they did not. ODNI, from my
24 recollection, provided an unclassified overview of
25 three specific nation states that they were

ELVIS CHAN 11/29/2022

Page 155

1 concerned might try to conduct malign-influence
2 campaigns against the U.S. elections in 2020.
3 These include Russia, China and Iran.

4 Q. You go on to say, "In August 2020, the New
5 York Times broke a story revealing that the private
6 sector companies working with the U.S. government
7 had expanded to include the Wikimedia Foundation,
8 Verizon Media, Reddit, Pinterest, and LinkedIn,"
9 correct?

10 A. That is correct.

11 Q. So let me ask you this: Were there other
12 meetings, other than this one on September 4th,
13 2019, with these other companies?

14 A. I don't remember another -- oh, outside of
15 the CISA-hosted industry group meetings, I don't
16 remember another meeting that had all of the
17 companies together.

18 Q. Okay. So the CISA-hosted meetings, that's
19 the -- I think we talked about at the very
20 beginning of the deposition, the industry -- what
21 does CISA call, the industry-what meeting?

22 A. I can't remember, but yes, those were the
23 meetings I was -- those were the meetings I was
24 referring to.

25 Q. So you believe this -- you believe this

ELVIS CHAN 11/29/2022

Page 156

1 New York Times story that refers to Wikimedia,
2 Reddit and Pinterest and so forth is a reference to
3 the CISA-hosted industry meeting that you just
4 testified about earlier, correct?

5 A. That is only my assumption.

6 Q. Okay. Those meetings you attended some
7 but not all of them, I think you said?

8 A. Yes, that is correct.

9 Q. Was disinformation discussed at those
10 meetings, the CISA-led industry meetings that
11 included all these social media platforms?

12 A. Yes, from -- the disinformation content
13 was shared by the social media companies. They
14 would provide a strategic overview of the type of
15 disinformation they were seeing on their respective
16 platforms.

17 Q. And then what did the government say in
18 those meetings?

19 MR. SUR: Objection; vague and ambiguous.

20 THE WITNESS: As I mentioned before, CISA
21 primarily discussed actual election logistics to
22 include the dates of State primaries, the methods
23 for which ballots were cast.

24 The FBI, we just provided strategic,
25 unclassified overviews of the activities that we

1 saw the Internet Research Agency doing.

2 ODNI, to my recollection, did not provide
3 any substantive overviews at most of the meetings
4 except for to provide general assessments about
5 nation-state-level threats.

6 Q. BY MR. SAUER: I am going to jump ahead to
7 Page 94 of your thesis, and that's on Page 118 of
8 the PDF.

9 A. So where --

10 Q. Up here at the top.

11 A. Part B, "Recommendations."

12 Q. Right above it.

13 A. Okay.

14 Q. At the top you say, "Many factors are at
15 play when trying to measure the effects of Russia's
16 influence operations," right?

17 A. Yes.

18 Q. You say, "First-order effects include real
19 users interacting with inauthentic content," right?

20 A. Yes.

21 Q. Interacting with inauthentic content, that
22 includes reading it, liking it, commenting on it,
23 potentially reposting it and reposting it with a
24 commentary, correct?

25 A. Yes.

1 **Q. Those are all first-order effects of**
2 **Russia's influence operations, right?**

3 A. That is how I define "first-order
4 effects."

5 **Q. Got you. "Russian-bot amplification of**
6 **diverse organic content is what you list in that**
7 **list, right?**

8 A. Yeah, I also define that as a "first-order
9 effect."

10 **Q. And that refers to the Russian bots**
11 **basically being used to amplify, that is like or**
12 **repost or retweet, content that other users have**
13 **already posted, right?**

14 A. That is correct.

15 **Q. And then a third first-order effect you**
16 **identify is "IRA-controlled accounts communicating**
17 **directly with real users," right?**

18 A. That's correct.

19 **Q. They would be directing messages to those**
20 **users, and those users would be responding to these**
21 **inauthentic accounts, right?**

22 A. Correct.

23 **Q. Jumping ahead to Page 99, you make a**
24 **recommendation here for "the U.S. government to**
25 **establish a National Counter Information Operations**

1 Center as an interagency fusion center and focal
2 point for countering disinformation campaigns,"
3 right?

4 A. That is a personal recommendation that I
5 made. If you look at the footnote, this was one of
6 the recommendations of the U.S. Cyberspace
7 Solarium.

8 Q. Okay. So you kind of agree with what they
9 had recommended, right?

10 A. That is my personal stance, not
11 necessarily the stance of the FBI.

12 Q. You go on to say, "In April 2021" -- you
13 talk about how that commission, the one whose
14 recommendation you agree with, envisioned a center
15 that would allow the relevant U.S. government
16 elements to work alongside social media companies
17 to combat disinformation, right?

18 A. That is correct. But I'm also citing a
19 report.

20 Q. And combatting disinformation here would
21 include the sort of stuff we're talking about
22 already today, which is flagging inauthentic
23 accounts and having them removed, right?

24 MR. SUR: Objection; vague and ambiguous,
25 mischaracterizes the record.

ELVIS CHAN 11/29/2022

Page 160

1 THE WITNESS: Yeah. So my intent was --
2 and what the commission also envisioned was closer
3 to realtime sharing of information. So right now,
4 you know, we are limited by the declassification
5 process, the approval process for us to be able to
6 get information in a form that can be shared with
7 the social media companies.

8 However, if some of the social media
9 company employees were to carry security
10 clearances, they could be discussed at least on an
11 informal basis at a high level, a higher
12 classification.

13 Q. BY MR. SAUER: And I take it that
14 communication could happen much more quickly under
15 this recommendation, right?

16 A. Yes.

17 Q. And that could, therefore, result in
18 quicker action being taken by the social media
19 platforms against inauthentic activity on their
20 platforms?

21 MR. SUR: Objection; calls for
22 speculation.

23 THE WITNESS: Yes, that would be my
24 opinion.

25 Q. BY MR. SAUER: And the next sentence you

ELVIS CHAN 11/29/2022

Page 161

1 say, "In April of 2021, the" ODNI announced "it was
2 establishing 'the Foreign Malign Influence
3 Center'." Do you know anything about that Foreign
4 Malign Influence Center other than the public
5 report that you cite?

6 A. Unfortunately I do not.

7 Q. So you don't know if they have something
8 like you're recommending already in place where
9 people with security clearances on the government
10 side and the social media side can convey
11 information to each other more quickly?

12 A. So I am not aware of any such sent -- of
13 any such center being housed at ODNI at this point.

14 Q. Jump ahead -- or I'll jump ahead to Page
15 104. Here toward the end you commented that
16 "although the focus of this thesis was Russian
17 disinformation campaigns, domestic disinformation
18 operations also featured prominently ahead of the
19 2020 elections," correct?

20 A. Can you tell me what you highlighted
21 again?

22 Q. Oh, sorry. Here I am. "Although the
23 focus of this thesis was Russian disinformation
24 campaigns, domestic disinformation operations also
25 featured prominently ahead of the 2020 elections."

ELVIS CHAN 11/29/2022

Page 162

1 A. Yes, I wrote that, and I was citing a
2 report from the Atlantic Council.

3 **Q. Did you have any involvement in looking**
4 **for domestic disinformation campaigns in the 2020**
5 **election cycle?**

6 MR. SUR: Objection; vague,
7 mischaracterizes the record.

8 THE WITNESS: In the context of the FITF
9 meetings, no.

10 **Q. BY MR. SAUER: All right. How about in**
11 **any other context?**

12 A. During FBI San Francisco's 2020 election
13 command post, which I believe was held from the
14 Friday before the election through election night,
15 that Tuesday at midnight, information would be
16 provided by other field offices and FBI
17 headquarters about disinformation, specifically
18 about the time, place or manner of elections in
19 various states.

20 These were passed to FBI San Francisco's
21 command post, which I mentioned to you before I was
22 the daytime shift commander, and we would relay
23 this information to the social media platforms
24 where these accounts were detected.

25 So I do not believe we were able to

ELVIS CHAN 11/29/2022

Page 163

1 determine whether the accounts that were posting
2 time, place or manner of election disinformation,
3 whether they were American or foreign.

4 **Q. But you received reports, I take it, from**
5 **all over the country about disinformation about**
6 **time, place and manner of voting, right?**

7 A. That is -- we received them from multiple
8 field offices, and I can't remember. But I
9 remember many field offices, probably around ten to
10 12 field offices, relayed this type of information
11 to us.

12 And because DOJ had informed us that this
13 type of information was criminal in nature, that it
14 did not matter where the -- who was the source of
15 the information, but that it was criminal in nature
16 and that it should be flagged to the social media
17 companies. And then the respective field offices
18 were expected to follow up with a legal process to
19 get additional information on the origin and nature
20 of these communications.

21 **Q. So the Department of Justice advised you**
22 **that it's criminal and there's no First Amendment**
23 **right to post false information about time, place**
24 **and manner of voting?**

25 MR. SUR: Objection on the grounds of

ELVIS CHAN 11/29/2022

Page 164

1 attorney-client privilege --

2 MR. SAUER: He just testified --

3 MR. SUR: -- and work product issues.

4 MR. SAUER: That's waived. He just told
5 him what -- he just described what DOJ said, and
6 I'm asking for specificity.

7 MR. SUR: I am putting the objection on
8 the record.

9 Q. BY MR. SAUER: You may answer.

10 A. That was my understanding.

11 Q. And did you, in fact, relay -- let me ask
12 you this. You say manner of voting. Were some of
13 these reports related to voting by mail, which was
14 a hot topic back then?

15 A. From my recollection, some of them did
16 include voting by mail. Specifically what I can
17 remember is erroneous information about when
18 mail-in ballots could be postmarked because it is
19 different in different jurisdictions.

20 So I would be relying on the local field
21 office to know what were the election laws in their
22 territory and to only flag information for us.

23 Actually, let me provide additional
24 context. DOJ public integrity attorneys were at
25 the FBI's election command post and headquarters.

ELVIS CHAN 11/29/2022

Page 165

1 So I believe that all of those were reviewed before
2 they got sent to FBI San Francisco.

3 Q. So those reports would come to FBI San
4 Francisco when you were the day commander at this
5 command post, and then FBI San Francisco would
6 relay them to the various social media platforms
7 where the problematic posts had been made, right?

8 A. That is correct.

9 Q. And then the point there was to alert the
10 social media platforms and see if they could be
11 taken down, right?

12 A. It was to alert the social media companies
13 to see if they violated their terms of service.

14 Q. And if they did, then they would be taken
15 down?

16 A. If they did, they would follow their own
17 policies, which may include taking down accounts.

18 Q. How about taking down posts as opposed to
19 the entire account?

20 A. I think it depends on how they interpreted
21 it and what the content was and what the account
22 was.

23 Q. Do you know what the -- do you know
24 whether some of those posts that you relayed to
25 them were acted on by their content modulators?

ELVIS CHAN 11/29/2022

Page 166

1 MR. SUR: Objection; vague and ambiguous.

2 THE WITNESS: So from my recollection, we
3 would receive some responses from the social media
4 companies. I remember in some cases they would
5 relay that they had taken down the posts. In other
6 cases, they would say that this did not violate
7 their terms of service.

8 Q. BY MR. SAUER: What sort of posts were
9 flagged by you that they concluded did not violate
10 their terms of service?

11 A. I can't remember off the top of my head.

12 Q. I mean, I take it they would all have a
13 policy against just posting about the wrong time
14 that the poles opened, right? Or the wrong date to
15 mail your ballot?

16 A. That would be my assumption, but I do
17 remember, but I can't remember the specifics as to
18 why. But I do remember them saying that certain
19 information we shared with them did not result in
20 any actions on their part, but I can't remember the
21 details of those. They were not frequent, but I do
22 remember that they occurred.

23 Q. In most cases when you flagged something,
24 it was taken down?

25 A. In most cases -- let me rephrase that.

ELVIS CHAN 11/29/2022

Page 167

1 In some cases when we shared information
2 they would provide a response to us that they had
3 taken them down.

4 **Q. Got you. Same as the -- go ahead.**

5 A. I would not say it was 100 percent success
6 rate. If I had to characterize it, I would say it
7 was like a 50 percent success rate. But that's
8 just from my recollection.

9 **Q. And the success rate would be the number**
10 **of times it got taken down based on the number of**
11 **instances you reported?**

12 A. The success rate would be that some action
13 had been taken because it was a terms-of-service
14 violation.

15 **Q. Got you. Did this command post, this kind**
16 **of activity of relaying these reports of**
17 **election-related disinformation, did that occur**
18 **through these election command posts in 2022 as**
19 **well as 2020?**

20 A. Yes. So to restate, the election command
21 post from 2020, from my recollection, occurred the
22 Friday before the election through Tuesday at
23 midnight. Then for the midterm elections, we only
24 stood at the command post, I believe, from 8:00
25 a.m. to 10:00 p.m. of election day.

ELVIS CHAN 11/29/2022

Page 168

1 **Q. So why was it operating longer in 2020?**

2 A. Based on our experience in the 2018
3 midterms, where there was a very low volume of
4 information that needed to be coordinated, we
5 assessed that we could do with an actual command
6 post on Tuesday with people on call on Monday and
7 on Wednesday who, if needed to, could report and
8 activate a command post. This is specifically for
9 FBI San Francisco.

10 **Q. And this command post was chosen to be --**
11 **I mean, it addresses nationwide election-related**
12 **information, right?**

13 A. So every field office, every FBI field
14 office was mandated by headquarters to stand at a
15 command post at least on election day.

16 And FBI San Francisco was responsible for
17 relaying any time, place or manner disinformation
18 or malign-foreign-influence information to the
19 social media companies as well as accepting any
20 referrals from the social media companies.

21 **Q. So FBI San Francisco had the special job**
22 **of referring concerns to social media companies?**

23 MR. SUR: Objection; vague and ambiguous.

24 THE WITNESS: Yes, and the reason for that
25 is because the majority of the social media

ELVIS CHAN 11/29/2022

Page 169

1 companies are headquartered in FBI San Francisco's
2 territory.

3 Q. BY MR. SAUER: I am going to move to a
4 different exhibit, I'm sure you'll be happy to
5 hear.

6 A. Well, I spent a lot of time on my thesis.

7 Q. Both researching it and testifying about
8 it today.

9 Let me -- I am showing you an exhibit --

10 MR. SUR: Hang on a second.

11 (Reporter marked Exhibit No. 6 for
12 identification.)

13 Q. BY MR. SAUER: I am showing you -- can you
14 see this exhibit --

15 A. Yes.

16 Q. -- defendants' amended objections and
17 responses on interrogatories?

18 MR. SUR: Counsel, to clarify, this is
19 Exhibit 6; is that right?

20 MR. SAUER: Yeah. We had to go out of
21 order, so I am jumping to Exhibit 6 because they
22 were pre-marked. I just emailed you this one, but
23 it ought to look familiar.

24 Q. I just want to jump down to Page 37 of
25 these interrogatory responses. Down here at the

ELVIS CHAN 11/29/2022

Page 170

1 bottom of the page under "DHS," do you see this
2 here, it begins with a bullet point?

3 A. I see a sentence starting with "A
4 recurring meeting usually entitled USG-industry
5 meeting."

6 Q. Yes, yeah, that paragraphs states "A
7 recurring meeting usually entitled USG-industry
8 meeting, which has generally had a monthly cadence,
9 and is between government agencies and private
10 industry." Do you see that description?

11 A. Yes.

12 Q. The CISA-organized meeting that we have
13 talked about multiple times already, is that
14 usually entitled USG-industry meeting?

15 A. Based on my recollection, yes.

16 Q. So this interrogatory response appears to
17 be referring to meetings that we have already
18 talked about today?

19 A. That is correct, the CISA-facilitated
20 meeting.

21 Q. It says, "Government participants have
22 included CISA's Election Security and Resilience
23 team, DHS's Office of Intelligence and Analysis,
24 the FBI's foreign influence task force."

25 MR. SUR: Objection; misstates

ELVIS CHAN 11/29/2022

Page 171

1 information.

2 Q. BY MR. SAUER: I am asking you if this is
3 what it says?

4 A. This is what it says, and I remember
5 sharing with you from my memory those were the
6 participants. I forgot to mention DOJ National
7 Security Division, but I do remember that they
8 sometimes have participants.

9 Q. I take it you participated in some of
10 these meetings but not all of them?

11 A. That is correct.

12 Q. When did these meetings happen, what
13 years? Here it just says these monthly cadence
14 meetings occurred. When did they actually happen?

15 MR. SUR: Objection; lacks foundation.

16 THE WITNESS: I can't remember exactly,
17 but I believe they started happening before the
18 2020 election, but I can't remember how far before
19 the 2020 election.

20 Q. BY MR. SAUER: So they were -- they -- I
21 guess CISA organized these meetings, I think you
22 said earlier?

23 A. That is correct, and I was just an
24 attendee.

25 Q. CISA organized the meetings gearing up

ELVIS CHAN 11/29/2022

Page 172

1 **toward the 2020 election; is that right?**

2 A. For these USG-industry meetings, yes.

3 **Q. Were hack-and-dump operations discussed at**
4 **these meetings, or hack-and-leak operations?**

5 A. Yes, they were.

6 **Q. Tell me what was discussed about them at**
7 **these meetings?**

8 A. The context of hack and dump is what was
9 the FBI and CISA doing to prevent hack-and-dump
10 operations. So from the FBI side, I think we
11 already -- I already relayed to you that we had the
12 protective voices initiative. I can't remember the
13 specifics, but CISA also discussed its
14 cybersecurity awareness efforts as well as grants
15 efforts with the state-, county- and local-level
16 election officials.

17 **Q. Did anyone at these meetings tell the**
18 **industry participants to expect a Russian**
19 **hack-and-dump operation or hack-and-leak operation**
20 **shortly before the 2020 election cycle?**

21 MR. SUR: Objection; lacks foundation.

22 THE WITNESS: From my recollection, I
23 remember that the FBI warned -- that I or someone
24 from the FBI warned the social media companies
25 about the potential for a 2016-style DNC

1 hack-and-dump operation.

2 **Q. BY MR. SAUER: What exactly did you say to**
3 **the social media companies about that?**

4 A. Essentially what I just told you.

5 **Q. You said that there might be a Russian**
6 **hack-and-dump operation?**

7 A. So what I said was although we have not
8 seen any computer intrusions into national-level
9 political committees or election officials or
10 presidential candidates at this time, we ask you to
11 remain vigilant about the potential for
12 hack-and-dump operations, or something to that
13 effect.

14 **Q. Did you specifically refer to the 2016**
15 **hack-and-dump operation that targeted the DCCC and**
16 **the DNC?**

17 A. I believe I did.

18 **Q. Did you provide any basis to the social**
19 **media platforms for thinking that such an operation**
20 **might be coming?**

21 A. The basis was -- my basis was it had
22 happened once, and it could happen again.

23 **Q. Did you have any other specific**
24 **information other than it had happened four years**
25 **earlier?**

1 MR. SUR: Objection in so far as the
2 answer calls for the law enforcement privileged
3 information.

4 You can answer, if you can, without
5 divulging the law enforcement privilege as to any
6 particular investigation.

7 THE WITNESS: Through our investigations,
8 we did not see any similar competing intrusions to
9 what had happened in 2016.

10 So although from our standpoint we had not
11 seen anything, we specifically, in an abundance of
12 caution, warned the companies in case they saw
13 something that we did not.

14 Q. BY MR. SAUER: So did you ask the
15 companies if they had seen any attempts at
16 intrusions or unauthorized access?

17 A. This is something that we -- that I
18 regularly ask the companies in the course of our
19 meetings.

20 Q. Did you ask them in these meetings?

21 A. Not at every meeting, but I believe I
22 asked them at some meetings.

23 Q. And did you repeatedly warn them at these
24 meetings that you anticipated there might be
25 hack-and-dump operations, Russian-initiated

1 **hack-and-dump operations?**

2 MR. SUR: Objection; vague, assumes facts
3 not on the record.

4 THE WITNESS: So repeatedly I would say --
5 can you -- can you ask your question like -- what
6 do you mean by "repeatedly"? Like 100 times, five
7 times?

8 **Q. BY MR. SAUER: Well, did you do it more**
9 **than once?**

10 A. I did it more -- yes. I warned the
11 companies about a potential for hack-and-dump
12 operations from the Russians and the Iranians on
13 more than one occasion, although I cannot recollect
14 how many times.

15 **Q. Did anybody else at the FBI talk about**
16 **hack-and-dump Russian operations?**

17 A. From my recollection, other senior
18 officials, to include Section Chief Dehmlow, likely
19 mentioned the possibility of hack-and-dump
20 operations.

21 **Q. Do you remember Section Chief Dehmlow**
22 **mentioning it?**

23 A. I said that I believe she mentioned it on
24 at least one occasion.

25 **Q. What did she say?**

ELVIS CHAN 11/29/2022

Page 176

1 A. Essentially what I said. We all said
2 essentially the same thing.

3 Q. We --

4 A. Which was --

5 Q. Go ahead. Which was?

6 A. Which was -- which was because the Russian
7 government had hacked a political organization in
8 2016, that if they were able to do so again for the
9 2020 cycle, they would likely do it.

10 Q. So you had -- you told the social media
11 companies that a hack-and-dump operation was
12 likely?

13 MR. SUR: Objection; misstates the record.

14 THE WITNESS: Let me recharacterize it. I
15 said potentially as opposed to likely.

16 Q. BY MR. SAUER: Okay. Did Ms. Dehmlow say
17 likely?

18 A. Not to my recollection. I think she said
19 potentially as well.

20 Q. You said we all --

21 A. We all, meaning myself and Ms. Dehmlow.

22 Q. Were there any other FBI agents at the
23 meeting -- at these meetings?

24 A. There were.

25 Q. Who?

ELVIS CHAN 11/29/2022

Page 177

1 A. They were GS-14 or under grade employees.

2 Q. From the San Francisco office or
3 elsewhere?

4 A. Both.

5 Q. Both, okay.

6 A. During -- I'm sorry, let me be more
7 precise. During the quarterly meetings, there were
8 multiple FBI agents, as I previously mentioned,
9 from both the FBI San Francisco field office as
10 well as other field offices at these meetings.

11 Q. Okay. I think we are talking about two
12 different sets of meetings because we started
13 talking about the USG-industry meetings, right,
14 organized by CISA, correct?

15 A. Oh, okay. You are correct.

16 Q. But then there were also the monthly --
17 there's quarterly and then monthly and then weekly
18 meetings between FBI and social media platforms,
19 right?

20 A. That's correct.

21 Q. And which of those sets of meetings were
22 the potentiality for Russian hack-and-dump
23 operations discussed?

24 A. At the FBI-led meetings with FITF and the
25 social media companies.

ELVIS CHAN 11/29/2022

Page 178

1 **Q. Okay. How about at these USG-industry**
2 **meetings that were organized by CISA, were**
3 **hack-and-dump operations discussed then?**

4 A. I would say less frequently, but what was
5 discussed was the potential for Russian
6 hack-and-dump-style operations.

7 **Q. Okay. And who -- was that raised by FBI**
8 **or was that raised by others or both?**

9 A. I can't recollect, but I would say I know
10 at least the FBI mentioned this, specifically in
11 the context of the 2016 DNC hack.

12 **Q. So the FBI, would it be you and**
13 **Ms. Dehmlow, right?**

14 A. Among others.

15 **Q. So others would have raised that as well**
16 **at these USG-industry meetings?**

17 A. Others from the FBI attended those
18 meetings.

19 **Q. Did those others raise the issue of**
20 **Russian hack-and-dump operations?**

21 A. I can't recollect.

22 **Q. Do you know whether they did or didn't?**

23 A. I know that I did.

24 MR. SAUER: Later, Mr. Sur, I am going to
25 ask for the identities of those participants. I

ELVIS CHAN 11/29/2022

Page 179

1 can ask him now on the record under oath, or you
2 can agree to give them to me in a private -- in a
3 private communication. Can we agree to do that?

4 MR. SUR: Just -- just to be clear, are
5 you looking for below the SES level?

6 MR. SAUER: Yes. I want the identities of
7 every FBI official who was at the USG-industry
8 meetings referred to in this interrogatory response
9 in 2020.

10 MR. SUR: Okay. I will discuss it with
11 the clients obviously.

12 MR. SAUER: All right. Then I am asking
13 him now on the record.

14 **Q. Who was there? Name the FBI officials who**
15 **were there regardless of their levels?**

16 MR. SUR: Well, I'm sorry, when you say
17 regardless of the level, can you -- can we provide
18 you part of the name on the record and part of the
19 name off the record?

20 MR. SAUER: If you're willing to give me
21 the information, which you did not just agree to, I
22 don't have to ask him on the record. We need the
23 information. You don't want it on the record.
24 Will you agree to give it to me? You said, "I have
25 to discuss it with my clients." I can't reconvene

ELVIS CHAN 11/29/2022

Page 180

1 this deposition. I need the information. You can
2 agree to give it to me. I am going to ask him now
3 because it is not subject to a protective order.

4 MR. SUR: Okay. If anything, Counsel, a
5 break would be appropriate.

6 MR. SAUER: Okay.

7 MR. SUR: So I can -- I'm sorry?

8 MR. SAUER: We can go off the record.

9 MR. SUR: Okay.

10 THE VIDEOGRAPHER: Off the record at 2:11
11 p.m.

12 (Whereupon a recess was taken.)

13 THE VIDEOGRAPHER: Back on the record at
14 2:34 p.m.

15 **Q. BY MR. SAUER: Back on the record,**
16 **Mr. Chan, after some discussions off the record.**

17 **You testified earlier that at these 2020**
18 **meetings between the FBI and social media platforms**
19 **where the risk of a Russian hack-and-leak operation**
20 **was discussed, they were attended by you and**
21 **Ms. Dehmlow, right?**

22 **A.** That is correct, on some occasions. I
23 don't think either of us has attended all of the
24 meetings with the CISA-hosted USG-industry
25 meetings.

ELVIS CHAN 11/29/2022

Page 181

1 Q. And then there were also the quarterly,
2 monthly, weekly cadence meetings involving just
3 FITF and the social media platforms, right?

4 A. That is correct, and other FBI field
5 offices to include FBI San Francisco.

6 Q. And the risk of hack-and-leak operations
7 were raised at both sets of meetings, both at
8 CISA-organized USG-industry meetings and the
9 FITF-organized direct meetings between the FBI and
10 social media platforms, right?

11 A. Yes.

12 Q. Okay. As to the first set of meetings,
13 the CISA-organized USG-industry meetings, other FBI
14 officials besides you and Ms. Dehmlow attended when
15 Russian hack-and-leak operations were discussed,
16 right?

17 A. That is correct.

18 Q. Who?

19 A. So from my recollection, and I don't know
20 who attended which meetings, but I remember being
21 in meetings with the following people: Brady
22 Olson, William Cone, Judy Chock and Luke Giannini.

23 Q. Can you say the last name again?

24 A. Giannini.

25 Q. Spell it, please.

ELVIS CHAN 11/29/2022

Page 182

1 A. I am not sure, but I believe it is
2 G-i-a-n-n-i-n-i.

3 Q. And then the second name was William
4 Cohen, is that C-o-h-e-n?

5 A. Cone, C-o-n-e.

6 Q. Like the -- like the shake?

7 A. Like an ice cream.

8 Q. Any other FBI officials at that set of
9 meetings where Russian hack-and-leak operations
10 were discussed with social media platforms in 2020?

11 A. Those are the only people I can remember.

12 Q. Okay. Then talk about the other set of
13 meetings, the FITF FBI meetings with social media
14 platforms in -- with the quarterly, then monthly,
15 then weekly cadence, what FBI officials attended
16 those meetings where Russian hack-and-leak
17 operations were discussed?

18 A. So it's the exact same set of names that I
19 recollect.

20 Q. Did anyone --

21 A. I cannot remember what days -- or, you
22 know, which meetings that they attended because
23 William Cone and Wayne Brady both work in the same
24 unit, and I can't remember if they both attended or
25 if one attended or another. So I can't remember

1 when. I do remember that at some point these
2 individuals have attended the FBI bilateral
3 meetings with the social media companies.

4 **Q. And you said the names are Brady Olson; is**
5 **that correct?**

6 A. Yes.

7 **Q. Okay.**

8 A. Olson.

9 **Q. Is that O-l-s-o-n?**

10 A. Maybe, or it might be s-e-n. I can't
11 remember. It's one of those spellings.

12 **Q. William Cone; is that right?**

13 A. Yes.

14 **Q. Judy Chock; is that right?**

15 A. C-o -- I'm sorry, C-h-o-c-k.

16 **Q. And then someone Giannini, right? What**
17 **was that person's first name?**

18 A. Luke.

19 **Q. Luke?**

20 A. Luke.

21 **Q. Is that L-u-k-e?**

22 A. I think his full name might be Lucas,
23 L-u-c-a-s, but I refer to him as Luke.

24 **Q. Are all those people from FITF in**
25 **Washington, D.C.?**

ELVIS CHAN 11/29/2022

Page 184

1 A. Yes.

2 Q. Okay. What are their -- what are their
3 titles, do you know?

4 A. I do know. So I believe -- oh, the first
5 four are unit chiefs, and then Luke is an assistant
6 section chief.

7 Q. What are they unit chiefs of? Are they
8 chiefs of like the Russian unit or --

9 A. Yeah, correct.

10 Q. Which one is the section chief, did you
11 say?

12 A. Assistant section chief.

13 Q. So that's --

14 A. Excuse me?

15 Q. Is that the number two person under
16 Ms. Dehmlow?

17 A. Yes.

18 Q. Okay.

19 (Discussion off the record.)

20 THE WITNESS: Yes, Mr. Luke Giannini is
21 the assistant section chief at the Foreign
22 Influence Task Force.

23 Q. BY MR. SAUER: So at FITF, these meetings
24 include, in addition to you, the number one person
25 at FITF, Laura Dehmlow; the number two person at

1 **FITF, Mr. Giannini; and then at least three section**
2 **chiefs at FITF, correct?**

3 A. No, that's not correct. Ms. Dehmlow is a
4 section chief.

5 **Q. Okay.**

6 A. Mr. Giannini is an assistant section
7 chief, and then the other individuals are unit
8 chiefs.

9 **Q. Got you. Did -- did anyone other than you**
10 **or Ms. Dehmlow discuss the possibility or prospect**
11 **of Russian hack-and-leak operations at these**
12 **meetings from the FBI?**

13 A. I can't recollect if others have said it,
14 but I know that that is something that I would say
15 regularly.

16 **Q. You said that regularly in these meetings?**

17 A. Yes. Not every meeting, but some
18 meetings.

19 **Q. And does that apply both to the**
20 **USG-industry meetings that had many participants?**

21 A. I would say for the bilateral FITF
22 meetings, I would have said that because those
23 would have been one of the types of
24 malign-influence campaigns that I would have been
25 focused on.

1 For the DHS USG meetings, I was more of an
2 attendee and not as active as a speaking
3 participant.

4 **Q. Did anyone else at those meetings, the**
5 **USG-industry meetings organized by CISA, address**
6 **the risk or prospect of Russian hack-and-leak**
7 **operations?**

8 A. I believe they did, but I can't remember
9 who would have said it.

10 **Q. Would it have been anyone at the FBI?**

11 A. It may have been.

12 **Q. Which one of these people is the head of**
13 **the Russia unit?**

14 A. Mr. Olson and then after him, Mr. Cone.

15 **Q. Did Mr. Olson or Mr. Cone ever address the**
16 **risk of a Russian hack-and-leak operation?**

17 A. I don't recollect.

18 **Q. How about Ms. Dehmlow?**

19 A. I don't specifically recollect, but I
20 believe that is something she would have mentioned.

21 **Q. Do you think she raised it at some point**
22 **in these meetings?**

23 A. Yes.

24 **Q. What did she say about it to your**
25 **recollection?**

1 A. It would have been that the FBI is
2 concerned about the potential for hack-and-leak or
3 hack-and-dump operations from foreign
4 state-sponsored actors, something to that effect.

5 **Q. Did you discuss within FITF that risk**
6 **before you raised it with the social media**
7 **platforms?**

8 MR. SUR: Objection; an internal
9 deliberation of that sort would be subject to the
10 deliberative process privilege, attorney-client
11 privilege and other privileges.

12 **Q. BY MR. SAUER: Did anyone at any time**
13 **discuss that prospect with you or did you raise it**
14 **on your own?**

15 MR. SUR: Same objection.

16 You can answer insofar as it doesn't
17 involve internal discussions within FITF or
18 discussions with counsel.

19 THE WITNESS: I would say in general the
20 FBI had internal meetings or discussions or at the
21 very least emails, coordination before the
22 CISA-hosted meetings.

23 **Q. BY MR. SAUER: So there would be internal**
24 **discussion within the FBI before the CISA-hosted**
25 **meetings?**

ELVIS CHAN 11/29/2022

Page 188

1 A. Yes, about what agenda items would be
2 discussed during the meeting.

3 **Q. In the course of those discussions, did**
4 **anyone suggest to you that you should raise the**
5 **risk of a Russian hack-and-leak operation?**

6 MR. SUR: Objection; as I said before, it
7 calls for internal deliberations which would be
8 covered by the deliberative process privilege, by
9 the attorney-client privilege and other privileges,
10 including law enforcement.

11 THE WITNESS: Yeah, I will reiterate in
12 general, we would have internal discussions about
13 what would be discussed in the CISA-hosted meeting.

14 **Q. BY MR. SAUER: More specifically, did**
15 **anyone suggest that -- let me ask you this: You**
16 **raised it at these meetings, right?**

17 A. I know that I have raised it at the
18 meetings.

19 **Q. Did you do that on your own accord or did**
20 **anyone else suggest to you that it should be**
21 **raised?**

22 MR. SUR: Objection; as before, it's
23 covered by multiple privileges, and I am going to
24 instruct the witness not to answer on grounds of
25 deliberative process privilege, attorney-client

ELVIS CHAN 11/29/2022

Page 189

1 privilege, law enforcement privilege, among others.

2 Q. BY MR. SAUER: Are you declining to answer
3 the question, sir?

4 A. I am reiterating that I recollect
5 mentioning the potential for hack-and-dump
6 operations during the CISA-hosted USG-industry
7 meetings.

8 Q. Did you do that solely on your own accord?

9 MR. SUR: Same objection as before.

10 MR. SAUER: That doesn't ask for any
11 communications. Did he do it solely on his own
12 accord? Are you instructing him not to answer that
13 question?

14 THE WITNESS: I cannot recollect.

15 Q. BY MR. SAUER: Okay. I think we are going
16 to make a record on this.

17 I am asking you, did anyone within the FBI
18 discuss or suggest with you that you should raise
19 the prospect of Russian hack-and-leak operations
20 with social media platforms in 2020?

21 A. I do not recollect. In the context of the
22 USG-industry CISA-held meetings, I do not
23 recollect.

24 Q. How about in the context of the bilateral
25 FITF social media platform meetings, in that

1 **context did anyone suggest it to you?**

2 A. So in that context, depending on what was
3 being briefed, without getting into the specific
4 investigations, certain -- as I mentioned
5 previously, certain nation state actors the FBI
6 deemed as potentially being capable of conducting
7 hack-and-leak operations.

8 So at the beginning of the meetings, I
9 would preface and say something to the effect of
10 "We are going to provide you a briefing on this
11 group because they have the potential to conduct
12 hack-and-leak operations like the Russians did in
13 2016."

14 **Q. Did anyone suggest to you that you should**
15 **raise that concern to the social media platforms at**
16 **any time?**

17 A. In the context of the FITF meetings with
18 the companies, I flagged that concern because I was
19 generally responsible in coordination with FITF for
20 coming up with the agenda for those meetings with
21 the social media companies.

22 **Q. So are you saying -- what's your answer to**
23 **my question did anyone -- anyone suggest to you in**
24 **the context of the FITF social media company**
25 **meetings that you should raise the concern about a**

ELVIS CHAN 11/29/2022

Page 191

1 **Russian hack-and-leak operation?**

2 A. I do not recollect. However, I would have
3 flagged that comment on my own for the reasons I
4 just stated to you.

5 Q. So it is something that you would have
6 done on your own, but someone might have also
7 suggested to you to do it; is that fair to say?

8 A. They may have, but I don't recollect at
9 this time.

10 Q. Returning to the -- returning to the
11 USG-industry CISA-organized meetings, do you recall
12 anyone discussing with you at any time the prospect
13 of Russian hack-and-leak operations in connection
14 with those meetings?

15 A. Who do you mean?

16 Q. Anybody. Did anybody on earth talk to you
17 about raising Russian hack-and-leak operations at
18 those meetings?

19 A. Do you mean from the social media
20 companies or from the government side? Because in
21 either case, I don't recollect.

22 Q. Okay. How about anyone outside the
23 government, did anyone outside the government
24 discuss the prospect of Russian hack-and-leak
25 operations with you?

ELVIS CHAN 11/29/2022

Page 192

1 A. I do remember during the CISA-hosted
2 USG-industry meetings that the social media
3 companies would ask the FBI if they were aware of
4 any hack-and-leak operations, and I remember that
5 we would say ahead of the 2020 elections that we
6 were not aware of any hack-and-leak operations, but
7 that there was always the potential for there to be
8 hack-and-leak operations.

9 **Q. Did the FBI tell the social media**
10 **companies that there would be a specific risk of a**
11 **hack-and-leak operation shortly before the election**
12 **in 2020?**

13 A. I believe that we did mention that as a
14 possibility shortly before the election, perhaps in
15 the August or October time frame.

16 **Q. So you mentioned that there -- you**
17 **mentioned that there was a risk that a**
18 **hack-and-leak operation could happen in October?**

19 A. So to be specific, what we mentioned was
20 that there was the general risk of hack-and-leak
21 operations, especially before the election.

22 However, we were not aware of any
23 hack-and-leak operations that were forthcoming or
24 impending.

25 **Q. Were you involved in the investigation of**

ELVIS CHAN 11/29/2022

Page 193

1 **the 2016 DNC hack-and-leak operation?**

2 MR. SUR: Objection; vague.

3 THE WITNESS: What do you mean by
4 "involved"?

5 **Q. BY MR. SAUER: Well, did you have any --**
6 **were you in any way involved in that investigation?**

7 A. Yes.

8 **Q. What was your involvement?**

9 A. I was the supervisor for a squad that had
10 an investigation associated with the hack of the
11 DNC and DCCC.

12 **Q. And what was your role in that**
13 **investigation? What did your squad do?**

14 A. I was the supervisor for the squad that
15 ran one of the investigations associated with the
16 2016 DNC hack.

17 **Q. What did your squad do in that**
18 **investigation?**

19 MR. SUR: I am going to object on the law
20 enforcement privilege grounds. If you can answer
21 the question without discussing any particular
22 investigation or files or contents, you can answer.

23 MR. SAUER: Before you say that, I am
24 going to read some case law into the record. The
25 investigative -- the law enforcement privilege

1 states, quote, investigative files with ongoing
2 privilege investigation. That's from Coughlin
3 against Lee, 946 F.2d 1152, 1159, Fifth Circuit
4 1991. The privilege, quote, is bounded by
5 relevance and time constraints and it lapses either
6 at the close of an investigation or at a reasonable
7 time thereafter based on the particularized
8 assessment of documents.

9 We are talking about an investigation that
10 happened six years ago. Is it your position that
11 you can assert law enforcement privilege with
12 respect to that? Is my first question.

13 Second one -- I'm not finished yet.
14 Second one is the documents relating to emails
15 relating to his involvement in this investigation
16 are publicly filed in the docket of the case United
17 States against Sussmann. So there's been a waiver
18 of that by those being publicly filed, in any
19 event. So now I am going to repeat the question.

20 **Q. What did your squad do when it came to the**
21 **investigation of the DNC hack-and-leak operation?**

22 A. Can I confer with my counsel before I
23 answer this question?

24 **Q. I want an answer to the question.**

25 MR. SUR: Yeah, so let me just clarify.

1 The objection based on law enforcement privilege, I
2 understand your position about the public
3 disclosure. But since you're not limiting your
4 question to what was in the public record, there
5 are cases that describe the application of the law
6 enforcement privilege to techniques that have
7 future application, including future
8 investigations.

9 So I don't think that the mere fact that
10 your question is about a past investigation will
11 overcome the law enforcement privilege concern.

12 MR. SAUER: Well, why doesn't he answer
13 the question in general terms, and then we'll get
14 into specifics about law enforcement techniques? I
15 am not really concerned about those. Can he say it
16 in general terms?

17 THE WITNESS: Based on the case law you
18 cited, the information I have would be protected
19 under the first. Because this is an existing and
20 pending -- and active investigation.

21 **Q. BY MR. SAUER: So you're saying that the**
22 **2016 DNC server leak investigation is an active**
23 **criminal investigation?**

24 A. What I am saying is that the investigation
25 of the individuals associated with the DNC hack of

ELVIS CHAN 11/29/2022

Page 196

1 2016 is an existing and active investigation.

2 Q. I thought they were being indicted on
3 other charges later. Are you saying that there's
4 still an active and pending criminal investigation
5 of the 2016 DNC hack?

6 A. I am not saying there is a pending
7 investigation of the 2016 hack itself. However,
8 there is active investigations on the individuals
9 involved with the 2016 hack. That case has not
10 been adjudicated. The individuals have been
11 indicted. They have not been arrested. They have
12 not been going through the judicial process. This
13 is an active investigation.

14 (Reporter marked Exhibit No. 23 for
15 identification.)

16 Q. BY MR. SAUER: I am showing you a
17 collective exhibit that we have pre-marked as
18 Exhibit 23. Do you see this document?

19 A. Yes.

20 Q. These are some of your emails that are
21 publicly filed in the case the United States versus
22 Sussmann. Do you recognize them?

23 MR. SUR: I'm sorry, may I ask, Counsel,
24 have you sent this to us?

25 MR. SAUER: Let me email it to you right

ELVIS CHAN 11/29/2022

Page 197

1 now. Obviously it wasn't -- we are getting a bit
2 out of order here.

3 **Q. Looking at this email, does this refresh**
4 **your recollection about what your involvement was**
5 **during that investigation?**

6 MR. SUR: Counsel, may I ask that I
7 receive the email first so I can pull it up on the
8 iPad so Mr. Chan can see the exhibit that you are
9 talking about?

10 MR. SAUER: Can you see it on the screen
11 share? The emails were sent to you.

12 MR. SUR: Okay. We have this PDF. May I
13 ask which page you're on?

14 MR. SAUER: Start on the top page.

15 **Q. Do you see that, the one on the screen**
16 **share?**

17 A. 8:32 a.m. October 4th, yes, I see this
18 email.

19 **Q. And you are being copied on emails lower**
20 **down from Michael Sussmann at Perkins Coie; is that**
21 **fair to say?**

22 A. Yes, I have been cc'd. The email is to
23 another DOJ official.

24 **Q. And then you forward that along to other**
25 **FBI officials, Patricia Rich and Delynn Hammell.**

ELVIS CHAN 11/29/2022

Page 198

1 Do you see that?

2 A. Yes, I see that.

3 Q. Do you know why Mr. Sussmann was copying
4 you on an email about sharing information on a
5 rolling basis?

6 A. Because I was involved with -- I oversaw
7 the squad that was responsible for one of the
8 investigations of the 2016 hack of the DNC, and
9 Mr. Sussmann was their legal representative.

10 Q. Which squad did you oversee?

11 A. I oversaw the Russian cyber squad at FBI
12 San Francisco.

13 Q. And the Russian cyber squad was
14 involved -- was it involved in trying to analyze
15 the DNC server to see how it had been hacked?

16 A. Yes, that is correct.

17 Q. And you oversaw that effort?

18 A. Yes. I managed the squad responsible for
19 one of the investigations of the DNC hack.

20 Q. What did that squad -- did that squad
21 investigate the server?

22 A. We did a triage investigation of the
23 server and then sent it back to headquarters to do
24 a more complete investigation of the server.

25 Q. What's a triage investigation?

1 A. Triage in cyber -- cybersecurity context
2 is to try to extract indicators. As I mentioned
3 before, indicators can be email accounts, IP
4 addresses, other types of electronic indicia that
5 we could serve legal process in order to move our
6 investigation forward.

7 **Q. Did you find any indicia of that when you**
8 **investigated the server?**

9 A. I believe we did, but I can't recollect
10 the specific selectors that we discovered.

11 **Q. Subsequent to -- subsequent to the 2016**
12 **investigation, did you have further communications**
13 **with anyone involved in that investigation about**
14 **the possibility of a recurrence in 2020?**

15 A. Can you repeat that question?

16 **Q. Subsequent to the 2016 investigation of**
17 **the hack of the DNC server, did you have any**
18 **communications with anyone involved in that**
19 **investigation about the possibility that a**
20 **hack-and-leak operation could occur before the 2020**
21 **election?**

22 MR. SUR: Objection; vague. I also object
23 on the grounds of law enforcement privilege.

24 You can answer to the extent it doesn't
25 implicate any particular investigation.

1 THE WITNESS: Yeah, so I do not remember
2 discussing the potential for a 2020 election with
3 any of the FBI personnel because they had moved on
4 to different roles.

5 Q. BY MR. SAUER: How about people outside
6 the FBI?

7 A. Well, Sean Newell, who is the email
8 recipient on this, is a deputy chief at DOJ
9 National Security Division. He would have been one
10 of the senior officials I would have consulted
11 with.

12 Q. Consulted with about what?

13 A. About potential Russian interference in
14 the 2020 elections.

15 Q. Did you consult with Sean Newell about the
16 potential for a Russian hack-and-leak operation?

17 MR. SUR: I am going to renew the
18 objection based on the law enforcement privilege
19 and ask that you not answer insofar as that would
20 disclose the contents of any individual
21 investigation.

22 THE WITNESS: My recollection was that
23 being the deputy chief at DOJ NSD, Sean Newell
24 would have overview of multiple FBI investigations
25 and would have a broader perspective than my

1 perspective from the field office.

2 So I would regularly just ask him in
3 general how things were going and if they were
4 seeing anything that would be impactful to us at
5 FBI San Francisco.

6 **Q. BY MR. SAUER: So you -- did these**
7 **conversations with Sean Newell occur in the lead-up**
8 **to the 2020 election?**

9 A. I don't remember having many conversations
10 with Mr. Newell during the lead-up to the 2020
11 elections.

12 **Q. When did the conversations with Mr. Newell**
13 **occur?**

14 A. They would have -- I can't recollect
15 specifically. I regularly have conversations with
16 Mr. Newell outside of the context of Russian
17 disinformation campaigns targeted at the 2020
18 elections. Because Mr. Newell, as a deputy chief,
19 oversaw all of DOJ's national security cyber
20 investigations.

21 **Q. Did Mr. Newell ever tell you that he**
22 **expected there might be a Russian hack-and-leak**
23 **operation before the 2020 election?**

24 MR. SUR: Objection on the grounds of law
25 enforcement privilege, also attorney-client

1 privilege, given the functions of Mr. Newell in
2 this context. I will ask that the witness answer
3 only without referring to attorney-client
4 communications. For everything in this context you
5 can't, so...

6 THE WITNESS: What I can broadly say is
7 that we discussed national security cyber
8 investigations in general, sometimes about Russian
9 matters, sometimes about other nation state
10 threats.

11 Q. BY MR. SAUER: Let me ask the question
12 more specifically. Prior to the 2020 election
13 cycle, did anyone suggest to you that there would
14 be -- or that there might be a Russian
15 hack-and-leak operation prior to the 2020 election?

16 MR. SUR: So I am going to object on the
17 grounds of law enforcement privilege and
18 attorney-client and all other privileges.

19 You can answer insofar as it doesn't
20 disclose the contents of any particular
21 investigation.

22 Q. BY MR. SAUER: Okay. I want an answer,
23 and I want to know whether you're withholding
24 information in response to your client's
25 instruction. He keeps instructing you

ELVIS CHAN 11/29/2022

Page 203

1 **conditionally, and then you keep providing vague**
2 **responses.**

3 **I want to know are you, in fact,**
4 **withholding information from me in response to my**
5 **question as a result of that instruction. Did**
6 **anyone discuss that with you?**

7 A. I am not --

8 Q. **That is not going to get into the content**
9 **of any -- content of any communications. I just**
10 **want to know did anyone discuss with you the**
11 **prospect of a Russian hack-and-leak operation**
12 **before the 2020 election?**

13 A. So no, I do not recollect. The reason for
14 that is I don't recollect any specific person
15 discussing that with me.

16 However, based on both my experience as
17 well as my knowledge of active investigations, I
18 would have believed -- as my own assessment, I
19 believe that there was the potential for
20 hack-and-leak operations ahead of the 2020
21 elections.

22 I believe that there was the potential for
23 hack-and-leak operations ahead of the 2022
24 election, and I believe that there is the potential
25 for Russian hack-and-leak operations ahead of the

ELVIS CHAN 11/29/2022

Page 204

1 2024 elections.

2 Q. In particular, you relayed that belief to
3 the social media platforms on multiple occasions in
4 two sets of meetings in 2020, correct?

5 A. That is correct.

6 Q. And that includes the USG-industry
7 meetings organized by CISA, correct?

8 A. Yes, I believe so.

9 Q. And it includes the FITF organized
10 meetings with the individual social media
11 platforms, correct?

12 A. Yes.

13 Q. Did any -- did the social media platforms
14 respond to that, your communications that indicate
15 that they were taking any steps with respect to any
16 Russian hack-and-leak operations?

17 MR. SUR: Objection; vague.

18 THE WITNESS: So in general, I believe
19 that the companies were actively looking for
20 hack-and-leak operations, and I don't know the
21 types of technology that they use, but I believe
22 they use -- they tried to use detection methods
23 that would find whatever hacked materials were put
24 or uploaded onto their platforms.

25 Q. BY MR. SAUER: Did they ever tell you that

ELVIS CHAN 11/29/2022

Page 205

1 **they were taking any action with respect to any**
2 **content posted on social media because of a concern**
3 **about a hack-and-leak operation?**

4 A. So from my recollection, I remember -- I
5 can't remember which social media companies, but
6 some social media companies adjusted or updated
7 their terms of service or their community standards
8 to say that they would not post any hacked
9 materials. I believe the reason would be due to
10 privacy issues of the victim. But I can't
11 recollect which company said that.

12 **Q. When did those updates occur, do you**
13 **recall, before the 2020 election?**

14 A. Before the 2020 elections, but I can't
15 remember when. I believe -- I believe the impetus
16 was in case there was a 2016-style hack-and-leak
17 operation.

18 **Q. So is that -- was that a concern that you**
19 **raised to them specifically that there might be a**
20 **recurrence of a 2016 style hack-and-leak operation?**

21 A. So I have raised that concern, but I
22 believe independently they had similar concerns.

23 **Q. And in the same time frame that you were**
24 **raising that concern, some of them updated their**
25 **terms of service to prohibit the posting of hacked**

ELVIS CHAN 11/29/2022

Page 206

1 materials?

2 A. I believe so.

3 Q. Did you ever discuss updating their terms
4 of service with them or suggested it to them?

5 A. I never suggested it to them. The only
6 context we would bring up terms of service is that
7 we wanted to know if they had changed their terms
8 of service or modified it, and we wanted to know
9 what they had changed.

10 Q. Did they advise you that they had changed
11 it to reflect the ability to pull down content that
12 results from hack operations?

13 A. Yes.

14 Q. And that occurred at some time after you
15 had raised these concerns with them?

16 A. Some time after 2016, but before 2020. So
17 unfortunately I can't remember when they would have
18 updated it, but I do remember learning about their
19 terms of service updates.

20 Q. During 2020 do you recall anyone at the
21 FBI discussing with you the prospect of a
22 hack-and-leak operation?

23 A. I believe that we internally discussed the
24 potential for hack-and-leak operations, and so I
25 regularly was in communication with the cyber

1 division of the FBI as well as with the Foreign
2 Influence Task Force to see if they had heard of
3 anything that I had not heard of.

4 So I would say that the people that I
5 communicate with, everyone was vigilant, but no
6 one -- I believe that in general people at the FBI
7 were concerned about the potential for
8 hack-and-leak operations, but that we had not seen
9 any investigations that led in that direction or
10 that would lead us in that direction.

11 **Q. Who are the people at the cybersecurity**
12 **division that you referred to?**

13 A. So cyber division -- I can't even remember
14 the individuals now. And the reason for that is
15 they tend to rotate -- they rotate out every 18
16 months.

17 **Q. How about FITF, who are the individuals at**
18 **FITF that discussed the concern with you?**

19 A. So it was the three individuals that I
20 mentioned to you -- I'm sorry, the four individuals
21 that I have mentioned to you. Specifically,
22 Ms. Dehmlow, Mr. Olson, Mr. Cone and then
23 Mr. Giannini.

24 **Q. And did all of those people express to you**
25 **a concern about the possibility of a Russian**

1 **hack-and-leak operation?**

2 MR. SUR: Objection; mischaracterizes his
3 testimony.

4 THE WITNESS: From my recollection, we all
5 shared the same concern for the potential for there
6 to be a hack-and-leak operation.

7 **Q. BY MR. SAUER: Did you have any basis for**
8 **that other than the fact that one had occurred in**
9 **2016?**

10 A. My basis for that was the hack-and-dump
11 operation in 2016 as well as our knowledge of the
12 skills of the Russian hackers who were involved.

13 **Q. Any other basis besides that?**

14 A. No. Those were the two primary reasons
15 driving our concern.

16 **Q. In 2020 did you ever discuss the**
17 **possible -- or did anyone discuss with you the**
18 **possibility of a Russian hack-and-leak operation**
19 **before the 2020 election from outside the FBI other**
20 **than legal counsel?**

21 A. I believe that the companies would
22 regularly ask if the FBI was aware of any
23 hack-and-leak operations ahead of the 2020
24 elections. We were not aware of any hack-and-leak
25 operations.

1 However, as I mentioned, we would provide
2 briefings about nation state groups that
3 potentially had the capability of conducting
4 hack-and-leak operations.

5 **Q. Okay. Other than the social media**
6 **platforms, anybody else discuss that with you?**

7 A. Not to my recollection. Up. Not to my
8 recollection.

9 **Q. You said "up"?**

10 A. "Up" because we had already mentioned the
11 FBI employees. We mentioned the social media
12 companies. The reason I said "up" is because
13 technically Microsoft is not a social media
14 company.

15 **Q. Did Microsoft discuss it with you?**

16 A. During the -- they discussed their concern
17 during the CISA-hosted USG-industry meetings.

18 **Q. What did they say?**

19 A. I think -- I can't recall exactly, but
20 they shared the same sentiment about being
21 concerned for a potential Russian hack-and-leak
22 operation.

23 **Q. Who said that?**

24 A. The individual from Microsoft, his first
25 name is Jan, J-a-n, but I can't remember his last

1 -- I can't remember how to -- his last name, or
2 even how to spell it.

3 **Q. Antonaros, something like that?**

4 A. Maybe. I definitely remember his first
5 name was Jan, and he had a last name that I am not
6 familiar with.

7 **Q. Does it begin with an A-n-t?**

8 A. That doesn't sound familiar. It feels
9 like it was a Scandinavian name, like Stevrud or
10 something. I don't remember why, but for some
11 reason I thought it sounded Scandinavian.

12 **Q. Did any other social media platform**
13 **discuss these things in the USG-industry meetings?**

14 MR. SUR: Objection; vague.

15 **Q. BY MR. SAUER: Did any other social media**
16 **platforms discuss the prospect of having these**
17 **operations, or hack-and-dump operations in the**
18 **USG-industry meetings?**

19 A. I would say not to my recollection because
20 the primary individuals who spoke from the social
21 media companies were the three companies that I
22 previously referred to you, which is Facebook,
23 Google and Twitter and then Microsoft. Those were,
24 from my recollection, the four companies that spoke
25 the most frequently. If individuals or

1 representatives from the other companies spoke, I
2 don't recall what they said.

3 **Q. Did Facebook, Twitter or YouTube/Google**
4 **representatives address this issue at all of the**
5 **prospect of hack-and-leak operations?**

6 A. So during the CISA USG-industry meetings,
7 I believe that those companies regularly flagged
8 this as a concern at each meeting, or at least at
9 most meetings they would ask if the U.S. government
10 had any information about potential hack-and-leak
11 operations.

12 **Q. How about other government agencies**
13 **outside the FBI at these meetings, the USG-industry**
14 **meetings, did any of them discuss the risk or**
15 **prospect of Russian hack-and-leak or hack-and-dump**
16 **operations?**

17 A. So from my recollection, CISA would
18 discuss it from the standpoint of cybersecurity.
19 Namely if an organization or individual has good
20 cybersecurity, that will minimize the risk of being
21 hacked. So that was their standpoint. So they
22 were focused on cybersecurity and infrastructure
23 protection.

24 **Q. Who is "they"? What individuals were**
25 **saying this?**

ELVIS CHAN 11/29/2022

Page 212

1 A. So as I mentioned to you before, the only
2 individuals I remember who regularly spoke at these
3 meetings were Mr. Masterson and Mr. Scully.

4 **Q. And those individuals discussed how to**
5 **defend against hacking operations?**

6 A. Yes.

7 **Q. Did they specifically say that they**
8 **anticipated or there was a risk that there might be**
9 **Russian hack-and-leak operations before the 2020**
10 **election?**

11 A. I don't specifically recall, but that
12 sounds like something that they would have the
13 general -- they would have the same concern or
14 similar concern that I have.

15 **Q. They might -- you believe they expressed**
16 **that concern in these meetings?**

17 A. I do not recall any specific situations
18 where they did, but that, I believe, is something
19 that they may have discussed.

20 **Q. And that would include both Mr. Masterson**
21 **and Mr. Scully, to your recollection?**

22 A. Yes.

23 **Q. Were you aware in 2020 that the FBI had**
24 **Hunter Biden's laptop in its possession?**

25 MR. SUR: Objection; lacks foundation,

1 calls for speculation.

2 Q. BY MR. SAUER: Did you know it at the
3 time?

4 A. I was only aware when news media outlets
5 posted it, or published it.

6 Q. Was Hunter Biden referred to in these
7 meetings in any way?

8 A. Hunter Biden was not -- in my
9 recollection, Hunter Biden was not referred to in
10 any of the CISA USG-industry meetings.

11 Q. How about the FITF social media company
12 meetings?

13 A. From my recollection, one meeting with
14 Facebook after the regular agenda had been
15 completed, one of the Facebook analysts asked if
16 the FBI had any information they could share about
17 the Hunter Biden investigation.

18 To that I recall Ms. Dehmlow saying that
19 the FBI had no comment.

20 Q. Would that have been before or after the
21 big -- the big news story broke on October 14th of
22 2020?

23 MR. SUR: Objection; lacks foundation.

24 THE WITNESS: I am not certain, but I
25 believe that it would have had to have been after

ELVIS CHAN 11/29/2022

Page 214

1 the news story broke because I don't know if it was
2 publicly known then.

3 Q. BY MR. SAUER: Do you know that in 20- --
4 so you remember sometime in 2020 a Facebook analyst
5 asked the FBI to comment on the status of the
6 Hunter Biden investigation?

7 A. That's correct.

8 Q. And you believe that this occurred after
9 there had been, you know, a New York Post article
10 about the contents of the laptop that you referred
11 to -- I think you referred to earlier you finding
12 out about it that way, right?

13 A. Yeah, I only found out through news media.
14 I have no internal knowledge of that investigation,
15 and yeah, I believe that it was brought up after
16 the news story had broke.

17 Q. And so the -- what did the Facebook
18 analyst ask Ms. Dehmlow? Did they ask, you know,
19 "Hey, we have the story. Can you confirm it," or
20 what did they ask?

21 A. Yeah, they just -- I can't remember the
22 exact question, but I believe the investigator
23 asked if the FBI could provide any information
24 about the Hunter Biden investigation.

25 Q. Did they refer to the laptop in particular

ELVIS CHAN 11/29/2022

Page 215

1 **that had been the subject of the news stories?**

2 A. I can't recall.

3 **Q. And what did Ms. Dehmlow respond?**

4 A. She said no comment. She said something
5 to the effect that the FBI has no comment on this.

6 **Q. Did she indicate why the FBI declined to**
7 **comment?**

8 A. Yes. It was because -- at the time I do
9 not believe that we had confirmed that it was an
10 active -- we had -- at the time we had not
11 confirmed that the FBI was actually investigating
12 Hunter Biden. So she did not have the authority to
13 say anything or to comment about it.

14 **Q. Did she know at the time that the FBI had**
15 **the laptop and that the contents had not been**
16 **hacked?**

17 MR. SUR: Objection; calls for speculation
18 and gets into law enforcement privilege.

19 **Q. BY MR. SAUER: To your knowledge?**

20 A. I have no idea. I never asked her, and
21 she never told me.

22 **Q. Did Hunter Biden come up with any other**
23 **social media platforms during 2020?**

24 A. Not to my knowledge.

25 **Q. Do you recall any mention of Hunter Biden**

ELVIS CHAN 11/29/2022

Page 216

1 at any meetings with any social media platforms?

2 A. No. It stood out because that Facebook
3 meeting was the only one where an individual from
4 one of the companies even asked about it.

5 Q. You're confident that Hunter Biden did not
6 come up at any other meetings between federal
7 government officials and social media platforms in
8 2020?

9 A. I was confident that I was not a party to
10 any meeting with social media companies where
11 Hunter Biden was discussed outside of the one
12 incident that I told you about.

13 Q. That was the one where it was a FITE
14 Facebook meeting where the analyst asked
15 Ms. Dehmlow and she refused to comment, correct?

16 A. That is correct. That is correct.

17 MR. SAUER: I am going to show you a new
18 exhibit, Exhibit 8.

19 Counsel, I just emailed it to you, too. I
20 will put it up on screen share, and it will be
21 familiar to you.

22 (Reporter marked Exhibit No. 8 for
23 identification.)

24 Q. BY MR. SAUER: Do you see this document
25 here?

ELVIS CHAN 11/29/2022

Page 217

1 A. It says the "Declaration of Yoel Roth."

2 Q. Do you know Yoel Roth?

3 A. Yes. I mentioned to you -- mentioned him
4 to you previously. He was the head of site
5 integrity at Twitter.

6 Q. And it says that's a trust and safety
7 department, correct?

8 A. Well, it says it is a site integrity team
9 which assesses content posted to Twitter to
10 determine whether it violates the company's
11 policies. So in general, that would be construed
12 as a trust and safety role.

13 Q. So in other words, he is -- has
14 responsibility for content modulation at Twitter,
15 or he at least did at the time of this declaration?

16 A. Yes, I believe so.

17 Q. In fact, your committee worked with him in
18 that role, which he had until very, very recently,
19 right? Just a couple weeks ago, right?

20 A. Until the day after the election.

21 Q. I am going to direct your attention to
22 Paragraph 10 in this declaration. You see where it
23 says in Paragraph 10, "Since 2018, I have had
24 regular meetings with the" ODNI, "the Department of
25 Homeland Security, the FBI and industry peers

ELVIS CHAN 11/29/2022

Page 218

1 **regarding election security"? Do you see that?**

2 A. Yeah, Paragraph 11?

3 **Q. Paragraph 10.**

4 A. I'm sorry, Paragraph 10. Yes, I see that.

5 **Q. Do you know what regular meetings he's**
6 **referring to in that paragraph? Is that the**
7 **CISA-organized USG-industry meetings or is there**
8 **other meetings as well?**

9 A. I am not sure, but from my interpretation
10 of this document, it would be in the context of the
11 CISA-hosted USG-industry meeting. Because I never
12 hosted a meeting with those U.S. government
13 components.

14 **Q. So let me ask you this: Are you aware of**
15 **any meetings involving Twitter with ODNI, DHS and**
16 **the FBI and other social media platforms?**

17 A. Only in the context of the CISA-hosted
18 USG-industry meetings.

19 **Q. So the only meetings that you're aware of**
20 **that this Paragraph 10 could be referring to are**
21 **those USG-industry meetings that we have been**
22 **talking about organized by CISA?**

23 A. That is my belief.

24 **Q. Paragraph 11, "During these weekly**
25 **meetings, the federal law enforcement agencies**

ELVIS CHAN 11/29/2022

Page 219

1 communicated that they expected 'hack-and-leak
2 operations' by state actors might occur in the
3 period shortly before the 2020 presidential
4 election, likely in October." Do you see that?

5 A. Yes.

6 Q. Is that consistent with your recollection
7 that the communications at the 2020 USG-industry
8 meetings organized by CISA, that state actors, I
9 take it he means foreign governments, might
10 perpetrate hack-and-leak operations in a period
11 shortly before the 2020 presidential election?

12 A. Yeah, so the weekly meetings would have
13 occurred like very shortly before. Like we did
14 not switch to a weekly cadence until maybe six
15 weeks from the election, around then, maybe six or
16 eight weeks. It was a very short weekly meeting.

17 I do believe -- as I mentioned previously,
18 I don't remember who. I do remember myself
19 mentioning a concern for that, but it was mentioned
20 that there was the potential for hack-and-leak
21 operations.

22 Q. And so that first sentence you agree with
23 basically that people did say that to Twitter in
24 these meetings, that foreign state actors might do
25 a hack-and-leak operation in the period shortly

1 **before the 2020 presidential election; is that fair**
2 **to say?**

3 A. Yes. During the CISA USG-industry
4 meetings.

5 Q. You're saying those obtained a weekly
6 cadence in the six to eight weeks before that
7 actual election in 2020?

8 A. Yes.

9 Q. Okay. In those meetings, I take it likely
10 in October, was that relayed to Twitter and the
11 other industry participants?

12 A. I can't remember specifically, but it
13 would have made sense for the meetings to
14 definitely have occurred on a weekly basis in
15 October ahead of the elections in November.

16 Q. And did the federal officials in those
17 meetings convey that they expected that
18 hack-and-leak operations might occur shortly before
19 the election, likely in October?

20 A. So I wouldn't have used the word
21 "expected." I would have used the word "concern"
22 about potential hack-and-leak operations. The
23 reason I say that is because we were not aware of
24 any hack-and-leak operations that were pending.

25 Q. Okay. He goes on to say in the next --

ELVIS CHAN 11/29/2022

Page 221

1 let me ask you this: Did you express that concern
2 would be, quote, likely in October?

3 A. I would say possible in October.

4 Q. He refers to the federal law enforcement
5 agencies, plural, in that sentence. Do you see
6 that?

7 A. Yes.

8 Q. And other federal law enforcement agencies
9 other than the FBI also convey an expectation or
10 concern that Russian hack-and-leak operations would
11 occur shortly before the 2020 election?

12 A. Not to my -- not to my knowledge.

13 Q. So the only agency you recall conveying
14 that information is the FBI?

15 A. The only federal law enforcement agency I
16 remember conveying our concern was the FBI.

17 Q. How about any other agency?

18 A. As I mentioned, I believe CISA would have
19 had the same concern as the FBI.

20 Q. And that was relayed through Mr. Masterson
21 and Mr. Scully, I think you said, correct?

22 A. Correct.

23 Q. Any other agencies or federal officials
24 raise those concerns other than you, Ms. Dehmlow,
25 Mr. Masterson and Mr. Scully?

1 A. I believe that the senior election
2 official from ODNI would also have flagged that as
3 a concern. Because that was a concern across the
4 entire U.S. government.

5 **Q. Who is that?**

6 A. At the time the senior election official
7 was Shelby Pierson.

8 **Q. What did Mr. -- is that Mr. or Ms.?**

9 A. Ms., Ms. Pierson.

10 **Q. What did Ms. Pierson say about that**
11 **concern for the social media platforms in these**
12 **meetings?**

13 A. I don't recall what she exactly said, but
14 the sentiment would have been similar to what I
15 already conveyed, which is that I was concerned
16 about the potential for hack-and-leak operations.
17 However, we were not aware of any pending
18 hack-and-leak operations. I believe she would have
19 shared the same sentiment.

20 **Q. Do you remember anything specific about**
21 **what she said?**

22 A. I don't.

23 **Q. Mr. Roth in the affidavit goes on to say,**
24 **"I was told in these meetings that the intelligence**
25 **community expected that individuals associated with**

ELVIS CHAN 11/29/2022

Page 223

1 political campaigns would be subject to hacking
2 attacks and that material obtained through those
3 hacking attacks would likely be disseminated over
4 social media platforms, including Twitter." Do you
5 see that?

6 A. Yes.

7 Q. Do you remember that occurring, that --
8 people in the intelligence community relaying that
9 they expected attacks on individuals associated
10 with political campaigns and that the material
11 obtained would be disseminated over Twitter?

12 A. So my recollection is different from
13 Mr. Roth's. Not that the intelligence community
14 expected that individuals associated with political
15 campaigns would be subject to hacking attacks, but
16 that there was the potential for individuals
17 associated with political campaigns.

18 The reason I say that is because I and the
19 individuals I work with at FITF, we were not aware
20 of any successful hacks into any political
21 organizations or campaigns at the same time of
22 these meetings.

23 Q. How about in the intelligence community?
24 You know, I take it that may refer to ODNI --

25 A. Yeah.

1 **Q. -- is Mr. Roth accurately describing what**
2 **they said in these meetings?**

3 MR. SUR: Objection; calls for
4 speculation.

5 THE WITNESS: Yeah, I don't know what
6 Mr. Roth meant or meant, but what I'm letting you
7 know is that from my recollection -- I don't
8 believe we would have worded it so strongly to say
9 that we expected there to be hacks. I would have
10 worded it to say that there was the potential for
11 hacks, and I believe that is how anyone from our
12 side would have framed the comment.

13 And the reason I believe that is because I
14 and the FBI, for that matter the U.S. intelligence
15 community, was not aware of any successful hacks
16 against political organizations or political
17 campaigns.

18 **Q. BY MR. SAUER: You don't think that**
19 **intelligence officials described it in the way that**
20 **Mr. Roth does here in this sentence in the**
21 **affidavit?**

22 A. Yeah, I would not have -- I do not believe
23 that the intelligence community would have expected
24 it. I said that they would have been concerned
25 about the potential for it.

ELVIS CHAN 11/29/2022

Page 225

1 Q. How about the second half of the sentence
2 here where he says that he was told in these
3 meetings that material obtained through those
4 foreign hacking attacks would likely be
5 disseminated over social media platforms, including
6 Twitter, do you recall that being discussed in the
7 meetings?

8 A. Yeah, so if you're going to break it up
9 into two parts like that, if there were a
10 successful hack, that is what the intelligence
11 community and I both think would happen.

12 Q. Did you relay that to them, that if there
13 were a successful hack, they would likely relay the
14 hacked materials over social media platforms
15 including Twitter?

16 A. I don't remember if I relayed that, but I
17 do agree with Mr. Roth's statement, that if there
18 was a hack, that that would be a method to
19 disseminate the information.

20 Q. And that particular concern was relayed to
21 social media platforms in these meetings?

22 A. Yes, you are correct.

23 Q. He goes on to say, "These expectations of
24 these hack-and-leak operations were discussed
25 throughout 2020." Do you see that?

ELVIS CHAN 11/29/2022

Page 226

1 A. Yes.

2 Q. What -- was that, in fact, true that all
3 throughout 2020 there were discussions of these
4 concerns about hack-and-leak operations?

5 A. So I would not have used the word
6 "expectation." As I characterized it to you
7 before, we regularly discuss the potential for
8 nation state actors to conduct hack-and-leak
9 operations. And we provided briefings on the
10 specific nation state actors that we believe who
11 were potentially capable of conducting these types
12 of operations.

13 Q. That would include Russia, I presume?

14 A. Yes.

15 Q. And you -- so in the briefings you
16 provided to them, you brief them on your
17 understanding that Russia was capable of conducting
18 those hack-and-leak operations?

19 A. Yes.

20 Q. Do you brief them on your concerns that
21 those might occur in the 2020 election cycle in
22 connection with those briefings as well, correct?

23 A. Yeah, from my recollection, "might" is a
24 more appropriate word than "expected."

25 Q. So you feel like you said "might," and

1 **Mr. Roth feels like he was told they were**
2 **"expected"; is that fair to say?**

3 A. Well, he wrote that -- well, in this
4 deposition he provided, he said "expected," but I
5 don't remember the language being so strong from --
6 from me or from any FBI officials.

7 Q. I want to direct your sentence to the next
8 page -- sentence. He says, "I also learned in
9 these meetings that there were rumors" of a
10 hack-and-leak -- "that a hack-and-leak operation
11 would involve Hunter Biden," right, you see that?

12 A. Yes.

13 Q. Do you remember -- what's he referring to
14 there, to your recollection?

15 A. So from my recollection, the social media
16 companies, who include Twitter, would regularly ask
17 us, "Hey, what kind of content do you think the
18 nation state actors, the Russians would post," and
19 then they would provide examples. Like, "Would it
20 be X" or "Would it be Y" or "Would it be Z." And
21 then we -- I and then the other FBI officials would
22 say, "We believe that the Russians will take
23 advantage of any hot-button issue."

24 And we -- I do not remember us
25 specifically saying "Hunter Biden" in any meeting

ELVIS CHAN 11/29/2022

Page 228

1 with Twitter.

2 Q. Mr. Roth says in his sworn declaration he
3 learned in these meetings, and I take it we are
4 still talking about these weekly meetings, USG
5 industry CISA-organized meetings, he learned in
6 these meetings that there were rumors that a
7 hack-and-leak operation would involve Hunter Biden,
8 right? That's what he said in his sworn
9 declaration, right?

10 A. Yes, I see that's what he said.

11 Q. And do you have any reason to doubt the
12 veracity of what he said?

13 A. I would interpret what he said
14 differently.

15 Q. How would you interpret what he said when
16 he says he learned that there were rumors that a
17 hack-and-leak operation would involve Hunter Biden?
18 What do you think he's referring to?

19 MR. SUR: Objection; calls for
20 speculation.

21 THE WITNESS: Yeah, in my estimation, we
22 never discussed Hunter Biden specifically with
23 Twitter. And so the way I read that is that there
24 are hack-and-leak operations, and then at the
25 time -- at the time I believe he flagged one of the

ELVIS CHAN 11/29/2022

Page 229

1 potential current events that were happening ahead
2 of the elections.

3 Q. BY MR. SAUER: You believe that he, Yoel
4 Roth, flagged Hunter Biden in one of these
5 meetings?

6 A. No. I believe -- I don't believe he
7 flagged it during one of the meetings. I just
8 think that -- so I don't know. I cannot read his
9 mind, but my assessment is because I don't remember
10 discussing Hunter Biden at any of the meetings with
11 Twitter, that we didn't discuss it.

12 So this would have been something that he
13 would have just thought of as a hot-button issue on
14 his own that happened in October.

15 Q. So you think that where he says he learned
16 in the meetings that there were rumors that a
17 hack-and-leak operation would involve Hunter Biden,
18 you don't recall any basis for that actually being
19 discussed in the meetings?

20 A. That is correct.

21 Q. Paragraph 12 goes on to say that "On
22 October 14, 2020, I learned from media coverage
23 that the New York Post had posted the articles to
24 its website that morning containing emails and
25 other personal materials found on a hard drive that

ELVIS CHAN 11/29/2022

Page 230

1 allegedly belonged to Hunter Biden." Do you see
2 that?

3 A. Yes, Paragraph 12.

4 Q. There's that reference to those articles
5 that you referred to earlier, correct?

6 A. Correct.

7 Q. It's your testimony that those news
8 articles are the first time that you became aware
9 that -- you became aware of Hunter Biden's laptop
10 in any connection?

11 A. Yes. I don't remember if it was a New
12 York Post article or if it was another media
13 outlet, but it was on multiple media outlets, and I
14 can't remember which article I read.

15 Q. And before that day, October 14th, 2020,
16 were you aware -- were you aware of Hunter Biden --
17 had anyone ever mentioned Hunter Biden's laptop to
18 you?

19 A. No.

20 Q. The next paragraph Mr. Roth says, "The
21 site integrity team preliminarily determined that
22 the information in the articles," the New York Post
23 articles, "could have been obtained through
24 hacking, based on, among other things, the type of
25 material, the sourcing described in the articles,

ELVIS CHAN 11/29/2022

Page 231

1 and the information security community's initial
2 reactions." Do you see that?

3 A. Yes.

4 Q. Do you know what he's referring to in that
5 last bit where he talks about the information
6 security community's initial reactions?

7 MR. SUR: Objection; calls for
8 speculation.

9 THE WITNESS: I do not know.

10 Q. BY MR. SAUER: Do you know -- what is the
11 information security community?

12 A. So I don't know specifically that
13 reference that he's using, but there is -- you
14 know, I -- my assessment is that he's talking
15 broadly about the American information security
16 industry, but I don't know.

17 Q. Does that include the FBI?

18 MR. SUR: Objection; calls for
19 speculation.

20 THE WITNESS: So I don't know. However, I
21 do not believe that involves the FBI. To me when I
22 read that, this is the first time I am reading that
23 paragraph, it sounds like he is talking about the
24 private sector information security community.

25 Q. BY MR. SAUER: He goes on to talk about

ELVIS CHAN 11/29/2022

Page 232

1 how Twitter ended up essentially blocking the
2 articles from being shared on its platform and
3 suspending the New York Post's Twitter accounts.

4 Generally without getting into the
5 details, are you generally familiar with the fact
6 that Twitter took steps to reduce the distribution
7 of the Hunter Biden laptop story on its platforms?

8 A. Yeah, yeah, the extent of the information
9 that I learned was exactly what you just described.
10 I have no other knowledge of that.

11 Q. Okay. So right here at Paragraph 17 he
12 says, "The Site Integrity Team blocked Twitter
13 users from sharing links over Twitter to the
14 applicable New York Post articles and prevented
15 users who had previously sent tweets sharing those
16 articles from sending new tweets until they deleted
17 the tweets violating Twitter's policies," correct?

18 A. So that is what he wrote, but I am not
19 aware of the specific details of the actions that
20 they took until you just read that paragraph to me
21 today.

22 Q. Do you know if anyone at Twitter reached
23 out to anyone at the FBI to check or verify
24 anything about the Hunter Biden story?

25 A. I am not aware of any communications

ELVIS CHAN 11/29/2022

Page 233

1 between Yoel Roth and the FBI about this topic.

2 Q. Are you aware of any communications
3 between anyone at Twitter and anyone in the federal
4 government about the decision to suppress content
5 relating to the Hunter Biden laptop story once the
6 story had broken?

7 MR. SUR: Objection; lacks foundation.

8 THE WITNESS: I am not aware of Mr. Roth's
9 discussions with any other federal agency. As I
10 mentioned, I am not aware of any discussions with
11 any FBI employees about this topic as well. But I
12 only know who I know. So I don't -- he may have
13 had these conversations, but I was not aware of it.

14 Q. BY MR. SAUER: You mentioned Mr. Roth.
15 How about anyone else at Twitter, did anyone else
16 at Twitter reach out, to your knowledge, to anyone
17 else in the federal government?

18 A. So I can only answer for the FBI. To my
19 knowledge, I am not aware of any Twitter employee
20 reaching out to any FBI employee regarding this
21 topic.

22 Q. How about Facebook, other than that
23 meeting you referred to where an analyst asked the
24 FBI to comment on the Hunter Biden investigation,
25 are you aware of any communications between anyone

1 at Facebook and anyone at the FBI related to the
2 Hunter Biden laptop story?

3 A. No.

4 Q. How about any other social media platform?

5 A. No.

6 Q. How about Apple or Microsoft?

7 A. No.

8 MR. SUR: Counselor, if you have concluded
9 with this exhibit, may I ask or may I suggest that
10 a break would be appropriate? We have been in this
11 session now I think for an hour and eight minutes.

12 MR. SAUER: I'm okay with that. Want to
13 go off the record?

14 THE VIDEOGRAPHER: Off the record at 3:43
15 p.m.

16 (Whereupon a recess was taken.)

17 THE VIDEOGRAPHER: Back on the record at
18 3:57 p.m.

19 Q. BY MR. SAUER: Do you know Peter Strzok,
20 S-t-r-z-o-k?

21 A. Yes, I do.

22 Q. How do you know him?

23 A. I know that he was a deputy assistant
24 director at counterintelligence division, and the
25 capacity that I worked with him in was related to

1 the Yahoo! hack, which also occurred in 2016, and
2 our office did the investigation for that hack.

3 **Q. What was the Yahoo! hack?**

4 A. At the time the Yahoo! hack was the
5 largest data breach in American history where 500
6 million Yahoo! users' credentials were stolen by
7 Russian intelligence service officers.

8 **Q. You worked on that investigation with**
9 **Peter Strzok?**

10 A. So I oversaw the squad that ran the
11 investigation. So I oversaw the investigation.
12 Mr. Strzok consulted with me because he was
13 concerned -- he had counterintelligence concerns
14 about the investigation.

15 **Q. What were those concerns generally**
16 **speaking? I am not going to ask specifics.**

17 A. Broadly speaking, U.S. government
18 employees, U.S. current government employees as
19 well as other government officials had used Yahoo!
20 and still use Yahoo!, and he was concerned that
21 Russian intelligence officers would be able to
22 figure out the personal Yahoo! -- Yahoo! and AOL
23 accounts for current and former U.S. government
24 officials.

25 **Q. Did you have multiple interactions with**

ELVIS CHAN 11/29/2022

Page 236

1 **him during the course of that investigation?**

2 A. I would say regular -- like maybe once a
3 month maybe.

4 **Q. Over the course of how long?**

5 A. Over the course of about six months.

6 **Q. Would these be phone calls or did you have**
7 **any in-person meetings with him?**

8 A. These would be via classified Skype or
9 Link, if you're familiar with that Microsoft
10 product.

11 **Q. So they'd be videoconferences that were in**
12 **a secured link?**

13 A. They would be voice conference -- there
14 was video capability, but the FBI culture is not to
15 use videoconference.

16 **Q. Have you talked to him since then?**

17 A. I have not. Yeah, I only spoke to him in
18 the context of the Yahoo! investigation. So -- and
19 he was interested, you know, in the extent of the
20 damage, you know, like our intrusion investigation
21 to determine if we could tell if Russians were
22 aware which accounts belong to which U.S.
23 government officials.

24 **Q. These interactions with him occurred in**
25 **the year 2016; is that right?**

ELVIS CHAN 11/29/2022

Page 237

1 A. Yeah, I would say spanning between 2015 to
2 2016.

3 **Q. So this would have been the same time**
4 **frame that he's involved in the Crossfire Hurricane**
5 **investigation?**

6 A. I do not know when that investigation took
7 place exactly, but I would say that I had
8 engagement with him in the late 2015 to early 2016
9 time frame.

10 **Q. Do you know anyone associated with the**
11 **Crossfire Hurricane investigation?**

12 A. No, not to my knowledge.

13 **Q. How about Lisa Page?**

14 A. So Lisa Page is an attorney, an FBI
15 attorney for the Office of General Counsel. She
16 was on many of the calls. I don't know if she was
17 on all of the calls, but she was on at least some
18 of the, like, once-a-month calls that I had with
19 Mr. Strzok.

20 **Q. She was on -- so you would talk to**
21 **Mr. Strzok and Ms. Page at the same time as the**
22 **Yahoo! investigation?**

23 A. Yes. My understanding was that she was --
24 I don't know this for a fact, but my understanding
25 was that she was a senior attorney in the

1 counterintelligence division and that she would be
2 privy to the types -- she would need to know about
3 the types of communications I had with Mr. Strzok
4 about the extent of the damage.

5 **Q. Did you have any communications with**
6 **Ms. Page after 2016?**

7 A. Yes, but not while she was working at the
8 FBI.

9 **Q. What communications were those?**

10 A. She currently works for a private sector
11 company, and I have regular communications focused
12 on cybersecurity matters with her current company.

13 **Q. What company is that?**

14 A. The company is Twilio.

15 **Q. And you know her now and communicate with**
16 **her in her work at Twilio?**

17 A. Yes.

18 **Q. And do those communications relate to**
19 **hacking?**

20 A. Cybersecurity in general and potential
21 hacks against the Twilio platform.

22 **Q. Have you communicated with her recently?**

23 MR. SUR: Objection; vague.

24 THE WITNESS: I would say the last time I
25 communicated with her was maybe -- I can't recall

1 exactly, but maybe two months ago.

2 Q. BY MR. SAUER: How often do you talk to
3 her?

4 A. Maybe on a quarterly basis.

5 Q. Have you ever discussed with Mr. Strzok or
6 Ms. Page the prospect of a Russian hack-and-leak
7 operation?

8 A. No. The only investigation that I ever
9 discussed with either of them was the Yahoo! hack
10 investigation.

11 Q. Do you know anyone else associated with
12 the Crossfire Hurricane investigation?

13 A. No. But I do want to add during those
14 meetings that I had with Mr. Strzok, Mr. Jim Baker,
15 who was our general counsel at the time, would
16 attend some of those meetings as well.

17 Q. Mr. Baker would attend those meetings that
18 you had with Mr. Strzok about the Yahoo! hack?

19 A. Yes. At least some of them.

20 Q. Who else would attend those meetings?

21 A. Just the three of them. It would be the
22 three of them getting a status update from -- they
23 would be getting a case update from me.

24 Q. A case update about the Yahoo!
25 investigation?

1 A. Correct.

2 **Q. Did you ever discuss any hacking issues**
3 **with Mr. Baker?**

4 A. Not outside the context of the Yahoo!
5 hack.

6 **Q. Do you believe that Russian**
7 **malign-foreign-influence activities affected the**
8 **outcome of the 2016 presidential election?**

9 MR. SUR: Objection; calls for
10 speculation.

11 THE WITNESS: Quite honestly, I don't know
12 if they had an impact.

13 **Q. BY MR. SAUER: In your thesis you talk**
14 **about how -- I think on multiple occasions you talk**
15 **about how that election was decided by about 78,000**
16 **votes in three key swing states; is that right?**

17 A. That is correct. So I wanted to highlight
18 that there was the potential, but unfortunately if
19 you read my thesis, I could not conclus -- I could
20 not conclusively say whether it had an impact, but
21 it potentially could have an impact.

22 **Q. So your thesis was -- the conclusion was**
23 **that potentially Russian malign-foreign-influence**
24 **operations may have affected the 2016 presidential**
25 **election?**

ELVIS CHAN 11/29/2022

Page 241

1 A. Yes, but that we would never know
2 conclusively.

3 **Q. I think you also cited statistics**
4 **suggesting that something like 59 percent of all**
5 **Facebook users had been reached by Russian malign**
6 **social media content during that election cycle?**

7 A. Yeah, I cited that from one of the
8 reports, that is correct.

9 MR. SAUER: I am going to show you a new
10 exhibit. Just give me a second to email it to your
11 counsel.

12 (Reporter marked Exhibit No. 9 for
13 identification.)

14 **Q. BY MR. SAUER: Can you see this exhibit**
15 **that I have labeled Exhibit 9 that I posted on the**
16 **screen share?**

17 A. I see it on there, but I don't see it on
18 counsel's iPad yet.

19 **Q. Just as a preliminary matter, you see that**
20 **it is dated October 28, 2020, and it states, "Tech**
21 **CEOs Senate Testimony Transcript October 28"?**

22 A. Yes, I see that.

23 **Q. And you refer in your thesis to the fact**
24 **that tech CEOs were called in to testify before**
25 **Congress shortly before the 2020 election, correct?**

ELVIS CHAN 11/29/2022

Page 242

1 A. Yes, correct.

2 Q. I think you refer to this as one of the
3 instances where pressure was put on them to take
4 more aggressive action to -- to keep malign foreign
5 influence off their platforms, right?

6 A. Yes, that was my assessment.

7 MR. SAUER: I am going to jump ahead to
8 Page 56 of this document. So Indraneel, I don't
9 know if you're following in the PDF.

10 MR. SUR: It hasn't arrived yet,
11 unfortunately.

12 Q. BY MR. SAUER: If you look here at Page
13 56, there's a question posed to Mark Zuckerberg who
14 is the CEO of Meta or Facebook, correct?

15 A. Can you highlight the question that you
16 want me to look at?

17 Q. I actually -- probably just look at what
18 he said. I don't think the question is that
19 relevant.

20 MR. SUR: If I may interrupt, the email
21 just arrived, so we'll have it on the screen in a
22 few seconds here.

23 MR. SAUER: Great.

24 Q. Can you see there --

25 MR. SUR: May I ask which page?

1 MR. SAUER: Page 56 of the PDF.

2 Q. Do you see there in the middle of the page
3 it indicates that Mark Zuckerberg is the one
4 speaking?

5 A. I see that at 2:34:35.

6 Q. That's the place. Thanks. In that answer
7 he says along the lines of what you mentioned
8 earlier, "one of the threats the FBI has alerted
9 our companies and the public to, was the
10 possibility of a hack and leak operation in the
11 days or weeks leading up to this election,"
12 correct?

13 A. Yeah, I am reading that.

14 Q. Okay. And then Mr. Zuckerberg went on to
15 say, "So you had both the public testimony from the
16 FBI and in private meetings alerts that were given
17 to at least our company, I assume the others as
18 well, that suggested that we be on high alert and
19 sensitivity that if a trove of documents appeared
20 that we should view that with suspicion, that it
21 might be part of a foreign manipulation attempt."
22 Do you see that?

23 A. I do see that.

24 Q. This testimony is occurring two weeks
25 after the Hunter Biden stories in the New York

ELVIS CHAN 11/29/2022

Page 244

1 Post, correct, October 28, 2020?

2 A. Yes, that's what it was dated.

3 Q. Okay. Let's go through his account there.
4 Mr. Zuckerberg said "one of the threats that the
5 FBI has alerted our companies and the public to,
6 was the possibility of a hack-and-leak operations
7 in the days" and/"or weeks leading up to this
8 election," correct?

9 A. Correct.

10 Q. Yeah, and he says the FBI has alerted the
11 public to that. Do you recall the FBI doing so?

12 A. I believe that we much more frequently
13 than in the 2016 context -- context, "we," meaning
14 the FBI and CISA, would put out advisories about
15 concerns that we had about the elections. These
16 would be public advisories.

17 Q. Would these include public advisories
18 saying there might be a hack-and-leak operation
19 shortly before the 2020 election?

20 A. I can't recollect. I know there are
21 public advisories, and if you show them to me I
22 would be able to read them and refresh my memory,
23 but I don't recollect at this time.

24 Q. Do you know whether such public advisories
25 were made, as Mr. Zuckerberg says, relating to

1 quote, the possibility of a hack-and-leak operation
2 in the days or weeks leading up to this election?

3 A. I can't remember any specific advisories
4 at this time.

5 Q. Were you involved in preparing public
6 advisories?

7 A. No.

8 Q. Did you ever suggest that the FBI should
9 issue a public advisory about a hack-and-leak
10 operation?

11 A. No, not specifically. What I did tell our
12 cyber intelligence section was that we, the FBI,
13 should try to be as transparent as possible ahead
14 of the 2020 elections.

15 Q. In the next sentence Mr. Zuckerberg says,
16 "So you had both the public testimony from the FBI
17 and in private meetings alerts that were given to
18 at least our company, I assume the others as well,
19 that suggested we be on high alert and
20 sensitivity." Do you see that?

21 A. Yes, I see that statement.

22 Q. So do you know what he's referring to
23 about the public testimony from the FBI?

24 MR. SUR: Objection; calls for
25 speculation.

ELVIS CHAN 11/29/2022

Page 246

1 THE WITNESS: I don't know about the
2 public testimony. I could assume it is from
3 direct -- the director, Christopher Wray, or
4 another senior official, but I am not aware of what
5 testimony he's talking about.

6 Q. BY MR. SAUER: How about "in private
7 meetings alerts that were given to at least our
8 company, I assume others as well," do you know what
9 private meetings alerts he's referring to?

10 MR. SUR: Objection; calls for
11 speculation.

12 THE WITNESS: I don't know what private
13 meetings he meant, but as I've discussed with you,
14 I've hosted several meetings with Facebook ahead of
15 the 2020 elections. So these may be these private
16 meetings.

17 Q. BY MR. SAUER: You hosted several private
18 meetings with Facebook where the concern about a
19 hack-and-leak operation was raised?

20 A. Yes.

21 Q. Are you aware of any other private
22 meetings between the FBI and Facebook?

23 A. I am not aware of any besides the ones
24 I've hosted.

25 Q. Is it possible that others occurred that

1 **didn't involve you?**

2 A. That is possible, but I am not aware of
3 them.

4 Q. And he describes those private meetings
5 alerts as "suggested that we be on high alert and
6 sensitivity that if a trove of documents appeared
7 that we should view that with suspicion, that it
8 might be part of a foreign manipulation attempt."
9 Do you see that?

10 A. Yes.

11 Q. Was that discussed in your alerts, that if
12 a trove of documents appear, that that should be
13 something viewed with suspicion?

14 A. I don't remember that exact framing of our
15 discussions with them.

16 Q. Do you remember saying -- I know you
17 talked about, "Hey, there could be another
18 hack-and-leak operation." Do you remember saying
19 something like "If you get a whole bunch of
20 documents that suddenly appear, that's something
21 that should be viewed with suspicion"?

22 A. No, I don't remember any of us saying
23 that. I think -- I don't remember this for a fact,
24 but I think what we would have said is we would
25 have asked "If you receive a whole -- if you see a

1 trove of potentially hacked materials, what are you
2 going to do about it?" Which would be our way of
3 asking them how their terms of service would handle
4 a situation like that.

5 **Q. Do you recall asking them how they would**
6 **handle it if potentially hacked materials appeared,**
7 **correct?**

8 A. Yes.

9 **Q. And what did they say?**

10 A. So I believe that they would describe what
11 their policies were for validating the information
12 and handling the information in general. I can't
13 remember what specific company said exactly what,
14 but in general, I remember the social media
15 companies having terms-of-service policies to
16 handle this sort of situation.

17 **Q. Which social media companies did you ask**
18 **that of, Twitter, Facebook and YouTube?**

19 A. Yes, I believe we would have asked them
20 that, but I can't recollect when that would have
21 happened, but I believe we would have asked them
22 that at some point.

23 **Q. So you would have cautioned them that**
24 **there might be a hack-and-leak operation and ask**
25 **them how their terms of service would address it,**

1 fair to say?

2 A. That is fair to say.

3 Q. Okay. You specifically asked them how
4 their terms of service would address it? You
5 wanted to know whether and to what extent the
6 material would be taken down or blocked if it
7 appeared, correct?

8 A. Yeah, we wanted to know what actions they
9 would take to include the two actions that you
10 described.

11 Q. Why did you want to know that? Why did
12 you want to know whether or not the various social
13 media platforms would take down hacked materials if
14 they appeared?

15 A. So this is just my personal opinion about
16 why we wanted to know was because I think
17 internally we wanted to know what actions that we
18 would need to take, whether we would need to take a
19 legal remedy such as like a seizure warrant or
20 something. I can't ever recollect discussing this
21 because it never came up.

22 In my assessment, why I would be concerned
23 was -- if there's hacked materials and they stay
24 up, then -- and if the companies do not believe
25 they violate their terms of service, what actions

ELVIS CHAN 11/29/2022

Page 250

1 could the FBI take.

2 So I mean, these are all hypotheticals.

3 Q. And the idea would be the FBI could pursue
4 a seizure warrant to have -- basically take -- take
5 the materials down through legal process if the
6 social media platforms wouldn't do it themselves?

7 A. So that was one hypothetical solution.

8 Q. And that was one that occurred to you?

9 A. Yeah, that was one that occurred to me. I
10 don't remember discussing it with anyone else.

11 Q. The -- who -- who of the FBI asked them,
12 the social media platforms, "How are your hacking
13 materials policies addressing this?"

14 A. I would say we take turns asking. When I
15 say "we," I mean either myself or the members of
16 the Foreign Influence Task Force I already
17 mentioned to you. Wherever it seemed like an
18 organic follow-up question, we would ask "How would
19 your terms of service apply to this situation or
20 that situation?" Just so that we would understand
21 what types of actions that they would take.

22 Q. I take it their answers would inform
23 potential further actions by the FBI, such as
24 potentially pursuing a seizure warrant to remove
25 hacked materials?

1 A. I think we were -- we were dealing in
2 hypotheticals, so there was no concrete plan. In
3 my mind, that would be one way to take down
4 information.

5 And the reason I say that is because in a
6 different situation where the FBI became aware of
7 Iranian fake news sites, we did pursue a seizure
8 warrant and got an IIFA/FARA-based search or
9 seizure warrant to take down over 70 Iranian fake
10 news websites.

11 **Q. Did they take down hacked materials?**

12 A. I don't know the specifics. I oversaw the
13 squad that executed the seizure warrant.

14 **Q. Do you recall, did Ms. Dehmlow ever**
15 **discuss what actions might be taken if there was a**
16 **hack-and-leak operation before the 2020 election to**
17 **take down materials?**

18 A. No.

19 **Q. Do you recall discussing that with the**
20 **FBI -- or anyone at the FBI, that is if we knew**
21 **there was a hack-and-leak operation, how do we get**
22 **the materials down?**

23 MR. SUR: Objection; calls for
24 deliberative process privilege of internal
25 discussions within the FBI.

1 THE WITNESS: Yeah, we did have internal
2 discussions. As I mentioned, the only -- one of
3 the solutions was potentially to see if we have
4 enough probable cause to execute a seizure warrant.

5 Another solution was to ask the company to
6 consensually take down the information even if it
7 did not violate their terms of service. So those
8 were the two hypothetical solutions that I
9 remember.

10 Q. BY MR. SAUER: Right. That second
11 hypothetical solution about asking them to take it
12 down even if it didn't violate their terms of
13 service, did you pursue that with respect to the
14 Hunter Biden laptop story?

15 A. No.

16 Q. Did you contact any social media platforms
17 and say, "Hey, can you take this stuff down because
18 it looks hacked"?

19 A. No.

20 Q. When the social media platforms answer,
21 did Facebook and Twitter indicate that they would
22 remove hacked materials under their terms of
23 service when you asked them?

24 A. From my recollection, I think both of
25 those companies said that they would remove hacked

ELVIS CHAN 11/29/2022

Page 253

1 materials if they were able to validate that it was
2 hacked. I don't remember -- I don't remember the
3 qualifiers that they used to determine whether they
4 were hacked materials or not.

5 **Q. When did they tell you that, roughly?**

6 A. I can't remember, but it was ahead of the
7 2020 elections.

8 **Q. That would have been before that Hunter**
9 **Biden laptop story broke?**

10 A. I don't remember. It would have been --
11 it might have happened in October. It could have
12 happened before. I think it may have happened
13 before then, but I can't remember.

14 **Q. They made that representation to you, both**
15 **Twitter and Facebook, in these FITF Facebook**
16 **preelection meetings -- sorry. Let me rephrase**
17 **that.**

18 **Did they make that representation to you**
19 **in the FITF-organized meetings with Facebook and**
20 **then Twitter?**

21 A. I can't remember the specifics, but
22 generally speaking, the companies provided us with
23 overview of what their terms of service was and how
24 hacked materials could be categorized within these
25 terms of service and then just the types of actions

1 that they would potentially take.

2 Q. I think you said a minute ago that the
3 kinds of actions they would potentially take
4 included taking the materials down?

5 A. Yeah, that was -- that was a potential
6 action. I think it had to reach a -- you know, it
7 had -- they had an internal validation process and
8 it had to clear internal hurdles before they would
9 take that certain type of content down. But I
10 can't remember the specifics of what the internal
11 hurdles were.

12 Q. That information was conveyed to a group
13 of FBI officials that had included you and
14 Ms. Dehmloew as well as Mr. Olson, Mr. Cone,
15 Ms. Chock and Mr. Giannini?

16 A. Yeah, I don't know if all of these people
17 were present during any of those meetings where
18 they were discussed, but in general, I would say
19 that at least some subset of them would have been
20 present.

21 Q. Okay. And then did you guys relay that
22 information to anyone, "Here's what Facebook and
23 Twitter will do if they find and receive hacked
24 materials on their platforms"?

25 A. So I did not relay it to anyone else,

ELVIS CHAN 11/29/2022

Page 255

1 outside of my internal discussions with them. I do
2 not know if they relayed it to anyone else.

3 Q. Do you know -- you don't know if it was
4 relayed to anyone else by anyone?

5 A. I do not. I am only privy to what I
6 discussed with them.

7 Q. Do you remember anything else -- turning
8 back to the screen share, and you see
9 Mr. Zuckerberg's testimony, he talks about the
10 information received "suggested that we be on high
11 alert and sensitivity." Is that a fair
12 characterization of the communications from the FBI
13 to Facebook that you were involved in?

14 A. So I would not have framed it like
15 Mr. Zuckerberg did. As I mentioned, his language
16 seems stronger than how I would have framed it, or
17 how I believe FBI officials would have framed it.

18 We would have said something to the effect
19 of "We are concerned about potential hack-and-leak
20 operations ahead of the 2020 elections and that one
21 of the methods that we would use is to disseminate
22 the hacked materials on the social media
23 platforms."

24 So I don't know if I -- we would have said
25 that we should view that with suspicion. Instead

ELVIS CHAN 11/29/2022

Page 256

1 of "foreign manipulation attempt," I would have
2 said "foreign malign influence."

3 Q. Did you, in fact, tell them that if a
4 trove of document appears, it should be viewed with
5 suspicion?

6 A. No. That's what I'm saying, is I don't
7 think we would have said that language.

8 Q. Did you tell him that if a trove of
9 documents appeared, it may be part of a foreign
10 manipulation attempt?

11 A. I would -- we would not have used that
12 language. As I said before, what we would have
13 told them and what I recollect saying is that we --
14 that I was concerned about a potential
15 hack-and-leak operation, especially right before
16 the election, and that one of the channels for
17 disseminating that hacked information would be via
18 the social media platforms.

19 Q. Do you know Timothy Thibault or Thibault,
20 T-h-i-b-a-u-l-t?

21 (Discussion off the record.)

22 THE WITNESS: I am not familiar with that
23 name.

24 Q. BY MR. SAUER: Do you know Brian Auten,
25 A-u-t-e-n?

ELVIS CHAN 11/29/2022

Page 257

1 A. Yes. I believe he was a supervisory
2 intelligence analyst in the -- in the special
3 counsel's office. That's how I know him.

4 **Q. So he's an FBI official?**

5 A. Yeah, he is supervisory intelligence
6 analyst, I believe is his title.

7 **Q. What's a supervisory intelligence analyst?**

8 A. A frontline supervisor position for
9 analysts within the FBI.

10 **Q. Do you know -- how do you know him?**

11 A. I only know him in passing because I
12 have -- I had engaged with the special counsel's
13 office -- specifically Robert Mueller's special
14 counsel's office. I know there are multiple
15 special counsel's office, but specifically Robert
16 Mueller's. I believe that he was part of the
17 special counsel's office team.

18 **Q. What was your engagement with Robert**
19 **Mueller's special counsel's office?**

20 A. So as I previously mentioned, we -- my
21 squad ran one of the investigations associated with
22 the hack of the DNC in 2016. The special counsel's
23 office consolidated all investigations that had to
24 do with any Russian interference in the 2016
25 elections. So we, specifically my squad and I, had

ELVIS CHAN 11/29/2022

Page 258

1 to hand off that portion of the investigation to
2 the special counsel's office.

3 Q. So they took over your investigation of
4 the DNC hack?

5 A. Yes, they took over that portion of the
6 investigation.

7 Q. What other portions were there?

8 A. The other portion is the continuing active
9 investigation against the individuals for our
10 computer intrusions besides the 2016 DNC hack.

11 Q. So it involves the same malign actors but
12 not the same hacking attempt?

13 A. Correct, yeah, that is a correct
14 assessment.

15 MR. SAUER: I am going to email you and
16 your counsel a set of new exhibits.

17 Indraneel, can you tell me when you get
18 these?

19 MR. SUR: I will.

20 MR. SAUER: Has that email come yet?

21 MR. SUR: Still waiting.

22 MR. SAUER: While you're waiting, I am
23 going to go ahead and share, just to keep things
24 moving, Exhibit 13 with you.

25 (Reporter marked Exhibit No. 13 for

ELVIS CHAN 11/29/2022

Page 259

1 identification.)

2 Q. BY MR. SAUER: Do you see that now, sir,
3 Exhibit 13?

4 A. Yeah, I see the title is "Audio
5 Transcription of Recording in re: State of
6 Missouri, et al., versus Joseph R. Biden, Junior."

7 Q. It goes on "File: FBI on Election-There's
8 Going to be a Lot of Noise," right?

9 MR. SUR: I'm sorry, we still don't have
10 the email. So is this Exhibit 13?

11 MR. SAUER: Yeah. We may have the court
12 reporter make a transcription of his publicly
13 record -- public interviews, the audio of his
14 public interviews.

15 Q. So Mr. -- Agent Chan, on October 28, 2020,
16 did you give an interview to someone called Tom
17 Field relating to the upcoming election?

18 A. I believe I did. I give a lot of
19 interviews, but yeah, I am looking at the
20 transcript of this one. Tom Field is associated
21 with a media outlet called ISMG.

22 Q. Interestingly the date of this is October
23 28, 2020, the same date as the tech CEOs
24 congressional testimony we just talked about,
25 right?

1 A. Okay. Yeah, I didn't remember when the
2 tech CEOs testified, but you have refreshed my
3 memory.

4 Q. This would be less than a week before the
5 October 2020 election, right?

6 A. Yes.

7 Q. And you told him there's going to be a lot
8 of noise. Do you know what you were talking about
9 there?

10 A. Can you tell me what page you're on?

11 Q. That title "FBI on Election-There's Going
12 to be a Lot of Noise," did you say that to him?

13 A. What line is that? What page?

14 Q. I am highlighting it. It is the all caps
15 title on Lines 10 and 11 on Page 1, "FBI on
16 Election-There's Going to be a Lot of Noise."

17 A. So I don't recall making that title.

18 Q. Do you remember making that statement,
19 that there's going to be a lot of noise?

20 A. Is it in the transcript anywhere?

21 Q. I am just asking do you remember that?

22 A. I don't remember it. That's why I'm
23 asking if it is in the transcript anywhere.

24 Q. Fair enough. If you don't remember, you
25 don't remember.

ELVIS CHAN 11/29/2022

Page 261

1 A. Yeah.

2 Q. Go down to Page 9 of the transcript,
3 there's a paragraph here starting on Line 3 at Page
4 9 where you say, "So I am going to ask -- I'm
5 probably going to say the same thing that I said
6 the last time, but if you see something, say
7 something; right? So if you are seeing any types
8 of cyber attacks against your companies, let your
9 local FBI office know; right?"

10 A. Yes, I see that.

11 Q. Is that -- do you recall saying that to
12 Tom Field?

13 A. I don't specifically remember, but it
14 appears to be a transcript of an interview I had
15 with him. That seems like something I would say.

16 Q. And then you go to say, "If you're seeing
17 something related to the election on your social
18 media platform, all of them have portals where you
19 can report that sort of information," correct?

20 A. Yes.

21 Q. So there you are encouraging the listeners
22 of the podcast if they see something inaccurate on
23 their social media platform, to go and report it
24 directly to the social media platform, correct?

25 A. That is correct.

1 Q. Then you go on to say, "They are being
2 very aggressive in trying to take down any
3 disinformation or misinformation," right?

4 A. Yes.

5 Q. And I take it the context here you're
6 talking about disinformation and misinformation
7 related to the election, right?

8 A. Yes.

9 Q. So you're encouraging the listeners of
10 this podcast to report to social media companies
11 any election-related speech that they see that they
12 think is disinformation or misinformation so that
13 the social media platforms can take it down, right?

14 A. So that the social media platforms can
15 review it and determine if it violates their terms
16 of service.

17 Q. And it was your view at that time that the
18 social media platforms were being, quote, very
19 aggressive in trying to take down any
20 disinformation or misinformation relating to
21 elections, right?

22 A. Yes.

23 Q. And you go on to say "if they see anything
24 on election day or before election day, you can
25 always report it to FBI.gov or justice.gov, and you

ELVIS CHAN 11/29/2022

Page 263

1 know, there's a little button you can click to
2 submit a complaint," correct?

3 A. Yes.

4 Q. So you're encouraging the listeners to
5 report any disinformation or misinformation to
6 FBI.gov or justice.gov, correct?

7 A. That is correct.

8 Q. FBI.gov is the FBI's website, right?

9 A. Yes.

10 Q. Justice.gov, is that the Department of
11 Justice's website?

12 A. That is correct.

13 Q. Federal Department of Justice, right?

14 A. Yes, the U.S. Department of Justice.

15 Q. What happens to disinformation complaints
16 that get submitted to FBI.gov relating to election
17 misinformation or disinformation?

18 A. I believe that all these tips are reviewed
19 by an intake analyst, either an FBI employee or an
20 FBI contractor. And then I believe they have
21 certain levels of predication where they would keep
22 sending it higher -- higher up the chain.

23 Q. What do you mean by certain levels of
24 predication where they would keep sending you
25 higher up the chain?

ELVIS CHAN 11/29/2022

Page 264

1 A. So I would say if something is a vague
2 threat about -- for example, a common type of
3 threat is "I hate Politician X." And then someone
4 sends in a complaint like "I believe this user
5 wants to kill Politician X," but you know, what
6 that person said was a vague statement with no
7 threat in it.

8 So that is a -- that is like one type of
9 example. So in that situation, that type of
10 complaint would be filed away.

11 In another situation, for example, a
12 threat-to-life situation, "I want to kill
13 Politician X, and I know where he lives."

14 So then that would be they would -- the
15 analyst would try to figure out what field office
16 does Politician X reside in and then forward that
17 information to the appropriate field office to
18 conduct an initial assessment.

19 So that would be an example of how we
20 would handle two types of complaints.

21 **Q. Those are complaints about threats. In**
22 **this context you're referring to disinformation and**
23 **misinformation, correct?**

24 A. Yes.

25 **Q. So if somebody reports not a threat to a**

1 public official but a disinformation -- someone
2 reports disinformation or misinformation on social
3 media to FBI.gov, how would that be processed?

4 A. So that would also be reviewed by the
5 analyst, and then it would be the same situation.

6 So if I can give you a hypothetical
7 example, "Political Party A vote on Tuesday.
8 Political party B vote on Wednesday." So if
9 someone submitted something like that, that would
10 probably be flagged. Like an analyst would say,
11 "Oh, this is involving the time, place or manner of
12 an actual election. I need to send this up to
13 someone who is more authoritative that can review
14 this information."

15 So they may actually kick this out to the
16 field office depending on if they can figure out
17 where the account holder is from.

18 Q. What if -- okay. So if that -- sorry, say
19 it again. They send it out to the field office?

20 A. In this hypothetical situation, let's say
21 a social media account user somehow identifies
22 themselves as being from the state of Missouri, you
23 know, like it is a handle. And then they say or
24 they portray themselves as being from St. Louis,
25 Missouri and they say, "If you are affiliated with

ELVIS CHAN 11/29/2022

Page 266

1 Party A, you vote on Tuesday. If you're affiliated
2 with Party B, you vote on Wednesday."

3 So that information would be reviewed by
4 the analyst that does the intake, and that would
5 likely revolve -- result in a lead being sent to
6 the St. Louis field office to work with the U.S.
7 Attorney's Office to see if, you know, they should
8 serve a subpoena to get the additional information
9 or if it, you know, if it rises to the level of an
10 election requirement.

11 **Q. Does the FBI also report -- does anyone on**
12 **that chain in the FBI report it to the social media**
13 **platform to be assessed under their**
14 **content-modulation policies?**

15 A. So that would only -- that -- that type of
16 process that I'm aware of only happened during the
17 election command post that I mentioned to you
18 previously.

19 **Q. So if somebody went to FBI.gov and said,**
20 **"Hey, you know, someone's saying in Missouri**
21 **Republicans vote on Tuesday, Democrats vote on**
22 **Wednesday," that would be referred to the Missouri**
23 **field office for an investigation?**

24 A. Yeah, that would be referred to the St.
25 Louis field office for investigation. And then

ELVIS CHAN 11/29/2022

Page 267

1 like, the investigators in the St. Louis office
2 along with the U.S. Attorney's Office would
3 determine if that is something that should be sent
4 to FBI headquarters. And then that would be sent
5 to FBI headquarters and there would be an FBI OGC
6 attorney as well as a DOJ public integrity attorney
7 along with, you know, another FBI official. They
8 would all look at it and say, "Yes, we believe that
9 this should be sent to FBI San Francisco."

10 So by the time it's reached us, there's
11 already been what I will characterize as an FBI
12 headquarter stamp of approval.

13 **Q. And the FBI San Francisco then would relay**
14 **those to social media platforms as you've discussed**
15 **earlier --**

16 A. Yes.

17 **Q. -- in your testimony, correct?**

18 A. Yes, correct.

19 **Q. And there the idea is that the social**
20 **media platforms will assess those in connection**
21 **with their terms of service, assess them for**
22 **compliance with their terms of service, correct?**

23 A. That is correct.

24 **Q. What if somebody posts something like**
25 **"Voting by mail is unreliable, and your ballot**

ELVIS CHAN 11/29/2022

Page 268

1 **probably won't get there so don't vote that way"?**

2 MR. SUR: Objection; incomplete
3 hypothetical.

4 **Q. BY MR. SAUER: What would happen to a**
5 **report like that to FBI.gov?**

6 A. So I think that would also be reviewed by
7 the attorneys. When I mean "the attorneys," I mean
8 specifically the FBI headquarters attorney as well
9 as a DOJ public integrity attorney, and they will
10 determine whether it will get sent to San Francisco
11 or not.

12 **Q. And would something like that, in your**
13 **experience, get sent to San Francisco?**

14 A. In my experience, something vague like
15 that would not get sent to San Francisco.

16 **Q. How about something specific like "Voting**
17 **by mail is rife with fraud and it involves tons of**
18 **people cheating and therefore, it should be**
19 **abolished," how about that?**

20 MR. SUR: Objection; hypothetical.

21 THE WITNESS: Honestly, I have never saw
22 that type of complaint being submitted to us
23 through the command post. As I mentioned to you
24 previously, it was, from my recollection, time,
25 place or manner disinformation or misinformation.

ELVIS CHAN 11/29/2022

Page 269

1 **Q. BY MR. SAUER: What do you remember**
2 **specifically about those being referred to you?**
3 **What kind of things do you remember specifically --**

4 A. The example I gave you where if you are
5 registered with Party A, you vote on Tuesday; if
6 you're registered with Party B, you vote on
7 Wednesday. So that was a frequent one.

8 Another one was, depending on what state,
9 some states where it has to arrive at the polling
10 location on election day, whereas other states
11 allow it -- the ballot -- the mail-in ballot to be
12 postmarked by election day. So I remember I would
13 look, and I was like, "Oh, like, huh, I don't
14 understand this one." And then maybe I would
15 follow up with the field office and they say,
16 "Elvis, in our state it has to arrive at the
17 polling location by a certain date."

18 So that would be the type of different
19 information that we would provide to the social
20 media companies.

21 **Q. And I take it you testified earlier that**
22 **posting the wrong information about that, the date**
23 **that your ballot has to arrive, is criminal on --**
24 **in the government's view; is that right?**

25 A. It is a potential violation of federal

1 election laws.

2 **Q. What federal election statute does it**
3 **violate?**

4 MR. SUR: Objection; calls for legal
5 conclusion.

6 THE WITNESS: I am not an attorney, but
7 you hear me saying the words "time, place or manner
8 disinformation." So just based on my law
9 enforcement training where the attorneys tell me
10 that anything that is related to false information
11 about the time, place or manner of an election or
12 about the voting process, that that is a potential
13 election crime.

14 **Q. BY MR. SAUER: You refer to the social**
15 **media platforms being very aggressive in trying to**
16 **take down any disinformation or misinformation.**
17 **What were you talking about?**

18 A. I was saying in contrast to 2016 when they
19 took no actions.

20 **Q. What did they do to be very aggressive?**

21 A. So as I mentioned to you previously, they
22 developed technologies to be able to detect
23 foreign-malign-influence operations, and they also
24 add just their policies to be able to handle
25 foreign-malign-influence operations.

ELVIS CHAN 11/29/2022

Page 271

1 MR. SAUER: I am going to show you Exhibit
2 15. Indraneel, I sent you an email.

3 MR. SUR: Okay. 15.

4 (Reporter marked Exhibit No. 15 for
5 identification.)

6 Q. BY MR. SAUER: Agent Chan, can you see
7 this on the screen share?

8 A. Yes, the title "Preparing for Retaliatory
9 Attacks from Russia."

10 Q. On June 29, 2022?

11 A. Yes.

12 Q. Again, this is a court reporter-created
13 transcript of your podcast or interview with Anna
14 Delaney on that date. Do you see that?

15 A. Yeah, on June 29th, 2022.

16 Q. Who is Anna Delaney?

17 A. She is now the -- now that I am looking at
18 the transcript, she is a reporter with ISMG.

19 Q. Do you remember giving this interview last
20 June?

21 A. I believe this was in the context of the
22 RSA conference, but I can't remember specifically.

23 As I mentioned, I did a lot of public
24 speaking, and I get interviewed frequently by media
25 outlets.

1 Q. Going down to Page 8 of this transcript,
2 starting on Page 7 you see that Ms. Delaney asks
3 about the midterm elections 2022 and she asked you
4 what the FBI is doing to prepare, right? "What's
5 the FBI doing to prepare," you see that at the
6 bottom of the page?

7 A. Okay. I see that question.

8 Q. And you respond to that, "The good news
9 is, post 2020, we've never stopped," right?

10 A. Yes, I said that.

11 Q. You say that you were -- "As soon as
12 November 3rd happened in 2020, we just pretty much
13 rolled into preparing for 2022," correct?

14 A. Yes.

15 Q. And you say -- a little lower down you
16 say, "From FBI San Francisco's standpoint, we are
17 also really engaged with the technology companies
18 out here and represented here at the RSA
19 conference." There you go.

20 A. Yeah, so yeah, it was at the RSA
21 conference.

22 Q. "So making sure that, you know, any
23 vulnerabilities we think advanced persistent
24 threats would be using" and so forth, right?

25 A. Yes.

ELVIS CHAN 11/29/2022

Page 273

1 Q. I think what you're talking about there is
2 potential hacking attempts and working with the
3 social media companies to defend against hacking
4 attempts; is that right?

5 A. I wouldn't say because I mention
6 technology companies, against all types of
7 companies, even non-social media companies.

8 Q. Got you. You say, "We're also working
9 with the social media companies to make sure that
10 any foreign disinformation that's coming out that,
11 you know, like, if we can identify them, we can
12 share that information with them so they can knock
13 down accounts, knock down disinformation content,"
14 correct?

15 A. Yes, I said that.

16 Q. And do you agree with that statement, that
17 you were working with social media companies in the
18 2022 election cycle to make sure that foreign
19 disinformation would be identified and you could
20 share that information with them so they can knock
21 down accounts and knock down disinformation
22 content?

23 A. Yeah, so looking at that sentence and from
24 my recollection, the FBI part of it is the
25 information sharing portion, and then the social

1 media company portion is to decide if it violates
2 their terms of service. And if it does violate
3 their terms of service, one of the actions they
4 could take is to knock down accounts or to knock
5 down content.

6 **Q. And the purpose of the information sharing**
7 **is the get them to assess it; and potentially if it**
8 **violates the terms of service, to knock down**
9 **content, correct, right?**

10 MR. SUR: Objection; mischaracterizes the
11 document, calls for speculation.

12 THE WITNESS: Our -- my purpose was to
13 share information with them so that they could
14 protect their platforms as they deemed appropriate.
15 I did highlight two of the actions that they could
16 potentially take, which include knocking down
17 accounts or knocking down misinformation content.

18 **Q. BY MR. SAUER: And you're aware that they**
19 **do both of those things in response to your reports**
20 **of disinformation on their platforms?**

21 A. I am aware of that because of the feedback
22 they have provided me on several occasions.

23 **Q. Do you know Jen Easterly?**

24 A. I do know Jen Easterly.

25 **Q. How do you know Jen Easterly?**

ELVIS CHAN 11/29/2022

Page 275

1 A. I actually met her at this conference for
2 the first time.

3 **Q. Had you been aware of her before that?**

4 A. I was aware when she was nominated and
5 confirmed for her role as the director of CISA.

6 **Q. Were you aware that she's a Star Trek fan?**

7 A. I am aware that she's a Star Trek fan.

8 **Q. How do you know that?**

9 A. From reading news articles about her,
10 specifically at the Black Hat and DEF CON
11 conference which had happened previously.

12 **Q. What is the Black Hat and DEF CON**
13 **conference?**

14 A. That -- those are two conferences which
15 are back to back in Las Vegas sometime in the
16 summer, and they are -- next to the RSA
17 conference -- the leading cybersecurity conferences
18 in the American industry.

19 **Q. Did you have any -- have you had any**
20 **communications with Jen Easterly about**
21 **disinformation on social media?**

22 A. No, I have not had -- the one time I met
23 her in person was at the RSA conference. And
24 primarily what I recollect us talking about was
25 that I wanted her to have additional CISA

ELVIS CHAN 11/29/2022

Page 276

1 personnel, specifically to embed with FBI San
2 Francisco cyber task force.

3 **Q. Did she agree to that?**

4 A. She said that she would work on it.

5 **Q. Did it happen?**

6 A. I was told by the CISA official, the
7 regional CISA officials that I work with that there
8 are funded bullets to hire people, but they are --
9 I believe they are still going through the hiring
10 process.

11 **Q. Who are the regional CISA officials that**
12 **you work with?**

13 A. There are two regional CISA officials that
14 I work with. One individual is based in
15 Sacramento. His name is Mario Garcia. And then
16 the second individual is based in the Los Angeles
17 area. His name is Joseph Oregon.

18 **Q. How do you -- what do you do to work with**
19 **them?**

20 A. So primarily when I work with them, it is
21 on cybersecurity matters. So we coordinate
22 regularly with CISA on any cyber attacks against
23 critical infrastructure companies.

24 For example, a ransomware attack or a data
25 breach against an energy company or -- yeah,

ELVIS CHAN 11/29/2022

Page 277

1 specifically an example I can give you is the
2 ransomware attack against the Colonial Pipeline
3 Company.

4 **Q. Do you work with CISA on any**
5 **disinformation issues?**

6 A. I do not work with those two individuals
7 on disinformation issues.

8 **Q. Do you work with anyone else at CISA on**
9 **any disinformation issues?**

10 A. Only as we have discussed in the CISA-led
11 USG-industry working group meetings.

12 **Q. I am going to open up Exhibit 6 again and**
13 **share it with you. These are the amended**
14 **interrogatory responses. Can you see them on the**
15 **screen share now?**

16 A. Which exhibit is that?

17 MR. SUR: This is 6. This is on the first
18 page.

19 THE WITNESS: Okay.

20 **Q. BY MR. SAUER: I am going to scroll back**
21 **down to Page 38.**

22 A. Okay.

23 **Q. We talked a bit about this USG-industry**
24 **meeting that's identified here, correct?**

25 A. You're on the first bullet on that page,

1 is that what you're referring to?

2 **Q. The first bullet on Page 37.**

3 A. Okay. "A recurring meeting usually
4 entitled USG-industry meeting," yes.

5 **Q. Okay. We talked about -- I think we**
6 **talked about the participants in this meeting in**
7 **detail, and the CISA participants you mentioned are**
8 **Matt Masterson and Brian Scully?**

9 A. That's correct.

10 **Q. How about DHS's Office of Intelligence and**
11 **Analysis, who participated from there?**

12 A. I can't remember. I believe whoever was
13 the head of that organization -- someone from I&A
14 showed up, but I don't remember the names.

15 **Q. What does I&A do? What is it?**

16 A. So from my knowledge of I&A, they are the
17 intelligence community agency, or at least one of
18 them, within the Department of Homeland Security.
19 What I -- the products that I have seen from them
20 are all-source products, which means I have seen
21 them take, you know, intelligence reports from
22 different government agencies and provide more
23 strategic overview types of products. That is what
24 I have personally seen from I&A.

25 **Q. Let's scroll down to this next bullet**

1 point where it talks about a CISA cybersecurity
2 advisory meeting. Do you know anything about those
3 meetings between CISA and social media platforms?

4 A. I have never heard of the CISA
5 cybersecurity advisory committee meetings. I have
6 never heard of that organization within CISA.

7 Q. How about "ASD-HKS Tech Policy Paper
8 Series," do you know anything about those meetings?

9 A. No, I don't even know what the acronym
10 stands for.

11 Q. How about "DHS/Microsoft Disinformation
12 Follow Up"?

13 A. I have no idea what that is in reference
14 to.

15 Q. Let's scroll down to the CISA response.
16 See there's an additional response under the
17 heading here "CISA"; do you see that?

18 A. Yes.

19 Q. And that's CISA, C-I-S-A, in all caps?

20 A. Yes.

21 Q. It looks like it is identical to the
22 bullet point above that we discussed.

23 There's a reference here in the second
24 bullet point to "A recurring meeting to prepare for
25 and set the agenda for the USG-industry meeting,

1 **and participants have generally included CISA and**
2 **Facebook." Do you see that?**

3 A. I see that.

4 Q. **That is a meeting to prepare for the**
5 **meeting that we talked about in detail; is that**
6 **right?**

7 A. I see that.

8 Q. **Were you aware that there were such**
9 **meetings?**

10 A. I was not aware that there was a separate
11 preparatory meeting between CISA and Facebook ahead
12 of the broader USG-industry meeting. I was only
13 aware of the USG side, you know, where they would
14 convene us to ask us, specifically the FBI and the
15 other federal components, what agenda topics we
16 wanted to talk about.

17 Q. **So you participated in your own**
18 **preparatory meeting with CISA that did not involve**
19 **social media platforms, correct?**

20 A. That is correct.

21 Q. **During the course of those preparatory**
22 **meetings, CISA would ask the FBI, you, Elvis Chan,**
23 **what topics it might be useful to discuss at the**
24 **USG-industry meeting?**

25 A. Yes. They would ask the FBI, and I was a

1 part of the contingent.

2 **Q. Who was on that contingent?**

3 A. It would typically be Laura -- the
4 individuals that I mentioned from FITF, Laura
5 Dehmloew, Luke Giannini, Bill Cone, Brady Olson,
6 Judy Chock. It would not necessarily be all of
7 them, but it would be a subset of them or at least
8 one of them. Sometimes the FBI would not have any
9 agenda items for the CISA-hosted meetings.

10 **Q. Anyone else from FBI participate in those**
11 **meetings?**

12 A. I can't recollect anyone else.

13 **Q. How about who from CISA would participate**
14 **in those meetings?**

15 A. As I mentioned to you, the two people I
16 remember are Mr. Masterson and Mr. Scully.

17 **Q. The same two who had run the USG-industry**
18 **meeting, the big meeting, right?**

19 A. They were the two ranking officials that I
20 was aware of from CISA.

21 **Q. Would those preparatory meetings be just**
22 **Mr. Scully and Mr. Masterson and FBI, or would**
23 **other agencies be involved with them?**

24 A. From my recollection, the ODNI, I&A, they
25 would be involved in them as well. So we may have

1 the preparatory call or we may just have a
2 coordination email. I remember both of those
3 methods happening.

4 **Q. In either the email or the preparatory**
5 **call, did anyone ever discuss raising hack-and-leak**
6 **operations or the risk of hack-and-leak operations**
7 **in a USG-industry meeting?**

8 MR. SUR: Objection; falls within the
9 deliberative process privilege for interagency
10 discussions and recommendations.

11 THE WITNESS: Yeah, I don't recollect that
12 being a specific topic of discussion.

13 In my recollection, or in my opinion, this
14 would be just a general topic of continued
15 interest.

16 **Q. BY MR. SAUER: What else was discussed in**
17 **those preparatory meetings, to your recollection?**

18 MR. SUR: Objection; deliberative process
19 privilege covers interagency advice and
20 recommendations before a decision is made. So I am
21 going to -- you can respond if you can without
22 describing the specifics of any proposals or
23 recommendations.

24 THE WITNESS: All I can remember are the
25 actual agenda items. So as I mentioned to you

1 previously, CISA would talk about state, county,
2 local election processes and infrastructure and
3 cybersecurity.

4 ODNI, when they spoke, substantively would
5 discuss an unclassified description or overview of
6 potential nation-state threats.

7 And then the FBI would discuss any
8 unclassified information or concerns that we had
9 related to malign-foreign-influence disinformation
10 campaigns.

11 **Q. BY MR. SAUER: Would that include the kind**
12 **of strategic and tactical information you testified**
13 **about earlier?**

14 A. No. It would be a very condensed or, I'm
15 sorry, more general version of strategic
16 information that we would share with the specific
17 companies, and we would never share tactical
18 information at the CISA-hosted meetings.

19 **Q. That would only be on the kind of one**
20 **or -- sort of one-on-one meeting, not really**
21 **one-on-one, but FBI meeting with a specific social**
22 **media platform, correct?**

23 A. Yes, that is -- that is correct. And the
24 reason for that is because we would be providing
25 law enforcement sensitive information in some

1 instances to the companies.

2 Q. Next bullet point refers to a CISA
3 Cybersecurity Advisory Committee meetings on
4 certain dates in 2021 and 2022. Do you know what
5 those meetings are about?

6 A. I do not.

7 Q. Below that, "CISA CSAC, protecting
8 critical infrastructure from misinformation and
9 disinformation subcommittee meetings"?

10 A. I have no idea what those are.

11 Q. How about this next bullet point,
12 "Meetings convened by the Election Infrastructure
13 Subsector Government Coordinating Council
14 (EIS-GCC)," do you know what the EIS-GCC is?

15 A. I do not know what that organization is.

16 Q. How about the Election Infrastructure
17 Subsector Government Coordinating Council Joint MDM
18 Working Group?

19 A. I do not know what that is.

20 Q. Do you know what the Joint MDM Working
21 Group is?

22 A. I do not know what that is.

23 Q. Slipping back, it had to be recurring
24 USG-industry meetings, I can't remember if you said
25 this earlier, these continued throughout 2022,

ELVIS CHAN 11/29/2022

Page 285

1 correct?

2 A. Yeah, they are continuing.

3 Q. And they are planned to continue through
4 2024, right?

5 A. I don't know that for a fact, but I would
6 assume so.

7 Q. And disinformation concerns are discussed
8 at these meetings on a regular basis?

9 A. I would say from the companies -- so as I
10 mentioned to you previously, the federal agencies
11 discuss the topics that they discuss, and then the
12 social media companies, they -- they provide an
13 overview of the content, which is what I would
14 categorize the disinformation as.

15 For example, CISA would talk about the
16 state election process and different states have
17 different dates for primaries, and, you know, the
18 ODNI would provide threat actor -- nation-state
19 threat actor updates, and then the FBI would
20 provide a broad overview of what we were seeing
21 from, like, Russian and state-sponsored actors.

22 Q. And then the social media platforms, would
23 they report on what sorts of disinformation they
24 were seeing on posts on their platforms?

25 A. Yes, that is correct. And from my

1 recollection, this primarily came from the three
2 social media companies, Google, Facebook and
3 Twitter.

4 **Q. So in these USG-industry meetings, Google,**
5 **Facebook and Twitter would report on what sorts of**
6 **election-related disinformation they are seeing on**
7 **their platforms?**

8 A. I would say they would discuss what broad
9 types of disinformation they received, whether it
10 was election related or not. And the example I
11 want to flag for you is from my thesis where, for
12 example, you saw like the postings about like Black
13 Lives Matters or about 2nd Amendment rights, they
14 would -- they would highlight the current topics
15 that they saw the Russians were either amplifying
16 information about or sowing disinformation about.

17 **Q. And would you take anything -- let me ask**
18 **you this: If they provided that information, would**
19 **there be a back-and-forth with the FBI or another**
20 **federal agency about how that jibes with the**
21 **information the FBI was seeing in its**
22 **investigations?**

23 A. We would not discuss that during the
24 CISA-hosted USG-industry meetings.

25 **Q. Would you take what the social media**

ELVIS CHAN 11/29/2022

Page 287

1 platforms had reported, that information, and take
2 further action based on that generally?

3 A. In general -- in general what the social
4 media companies provided at the CISA-industry USG
5 working group meetings was just broad, strategic
6 trends that they were seeing. So there was no
7 actionable information from there.

8 The actionable information shared with the
9 FBI was one-on-one from the companies with FBI San
10 Francisco either during the FITF meetings or
11 outside of the FITF meetings just during the
12 regular course of work.

13 MR. SAUER: Why don't we go off the
14 record.

15 THE VIDEOGRAPHER: Off the record at 5:04
16 p.m.

17 (Whereupon a recess was taken.)

18 THE VIDEOGRAPHER: We are back on the
19 record at 5:15 p.m.

20 (Reporter marked Exhibit No. 2 for
21 identification.)

22 Q. BY MR. SAUER: Mr. Chan, I am going to
23 show you Exhibit 2, which I emailed to your counsel
24 earlier today. This is the read-through version on
25 the screen of the LinkedIn emails.

ELVIS CHAN 11/29/2022

Page 288

1 **Mr. Chan, have you actually reviewed this**
2 **collection of emails?**

3 A. I have not.

4 Q. Okay. Are you aware that you're on 121
5 pages of emails with the social media platform
6 LinkedIn setting up meetings in 2020 and 2022, as
7 you talked about today?

8 A. So I don't know the exact number, but I
9 believe that sounds about right.

10 Q. And that would be -- what you did with
11 LinkedIn, you also would have done with about six
12 or seven other social media platforms as well,
13 scheduling monthly -- sorry, quarterly then monthly
14 then weekly meetings that led up to the elections,
15 right?

16 A. That's correct, they would be similar
17 types of correspondence.

18 Q. On the first page here you talk about
19 "Increased cadence touch point before election"
20 when you're sending an invite to them. Why did you
21 increase cadence before the election?

22 A. This was actually at the company's
23 request. We said, "Do you think a quarterly
24 cadence is enough or should we go to a more
25 frequent cadence?" I would say -- I can't remember

ELVIS CHAN 11/29/2022

Page 289

1 which companies, but I would characterize most of
2 the companies as wanting at least a weekly cadence
3 just to have a touch point on the calendar in case
4 they or we wanted to talk about something.

5 **Q. Typically did you actually meet with them**
6 **on a weekly basis in the two months or so before**
7 **the election?**

8 A. I think generally we had a meeting, but
9 like I don't remember, like, the substance. You
10 know, if during this message thread I may have, you
11 know, put an agenda item or two, then we would have
12 had substance. But I can't remember just from
13 looking at these emails. I would have documented
14 any substantive meetings that we had with LinkedIn
15 or any of the other companies.

16 **Q. When you say "documented," did you write**
17 **up a report of it?**

18 A. Yes. So the system of record for the FBI
19 is called Sentinel. It is a file management
20 system, and I would have and I did document every
21 substantive interaction that I had with social
22 media companies, or actually any organization, for
23 that matter.

24 **Q. Would you have written Sentinel reports**
25 **for all of the FITF social media platform meetings?**

1 A. Based on my recollection, I wrote almost
2 all of them, but maybe not all of them. And the
3 reason I say that is malign foreign influence is
4 just one of the issues that I have to deal with in
5 my role. The majority of my role is dealing with
6 cyber investigations. So maybe on a couple of
7 occasions I may have asked someone else to write
8 the meeting summary on my behalf.

9 **Q. But there would be a Sentinel report for**
10 **every meeting that you had with a social media**
11 **platform that discussed this information and/or**
12 **malign foreign influence?**

13 A. Yes. There would be -- in FBI parlance,
14 they are called electronic communications, ECs.

15 **Q. So ECs exist that record your**
16 **contemporaneous recollection of all of these**
17 **meetings we have been talking about?**

18 A. That is correct.

19 **Q. And do those ECs exist with respect to the**
20 **USG-industry meetings?**

21 A. I would say that I documented all the
22 meetings that I attended at those CISA USG-industry
23 meetings.

24 **Q. So you -- would you have documented what**
25 **discussions that were related to foreign hacking**

1 **attempts?**

2 A. I think in general, my practice for that
3 was I would take the agenda from the email provided
4 by CISA, and then I would cut and paste that or I
5 would just retype that into my meeting summary.

6 **Q. So your meeting summary would just be the**
7 **agenda that you were given?**

8 A. Yes. I would say in the vast majority, if
9 not all, of the communications. And the reason for
10 that is because they were just very broad overviews
11 or, you know, trends that were being discussed.

12 **Q. Whereas you'd have more specific detail in**
13 **your ECs with respect to the FITF social media**
14 **platform bilateral sync meetings?**

15 A. That is correct. I believe the reason for
16 that is because the companies felt more comfortable
17 or more forthcoming in a bilateral setting as
18 opposed to in a group setting because these
19 companies are all competitors at the end of the
20 day. That is just my personal opinion.

21 **Q. On the third page of this document, where**
22 **are those -- by the way, where are those ECs**
23 **stored, or they are all housed by the FBI?**

24 A. Yeah. As I mentioned, they are in an
25 application called Sentinel. They would be

1 stored -- so as I mentioned, Sentinel is a case
2 file management system. So they would be
3 documented to the appropriate case file.

4 Q. And then -- and those reports still exist,
5 correct?

6 A. Yes.

7 Q. The third page of this document there's a
8 response to you from someone at LinkedIn whose
9 identity is redacted, but they are identified as
10 "Director of Threat Prevention LinkedIn Trust &
11 Safety."

12 (Discussion off the record.)

13 Q. BY MR. SAUER: Third page of this
14 document, now do you see it on the screen share?
15 You are communicating with --

16 A. Is it the one -- is it the one dated
17 September 29, 2020, 11:17 a.m.?

18 Q. Yes. No, 11:39 a.m., third page of the
19 document. Just if you look at the -- can you see
20 it on the screen share? I am highlighting it.

21 A. Yeah, it looks like the email was sent
22 Tuesday, September 29, 2020, 11:17 a.m.

23 Q. Yeah, yeah, you're right. I'm sorry. I
24 was looking at the top.

25 My only question is: Is this consistent

ELVIS CHAN 11/29/2022

Page 293

1 with what you testified earlier, that in these
2 bilateral meetings between FITF and the social
3 media platforms, the people that you would be
4 meeting with would be trust and safety and site
5 integrity people, correct?

6 A. Yes. Yeah, it would be typically director
7 level and then their direct reports and, you know,
8 people from the organizations.

9 Q. I am going to jump ahead to this page
10 which is labeled LinkedIn 86. It is the seventh
11 page of the PDF. Here in your email you see dated
12 Tuesday, November 17, 2020, which is right after
13 the 2020 election, you tell LinkedIn folks that you
14 want to have a, quote, Post Election Hot Wash.
15 What on earth does that mean, "hot wash"?

16 MR. SUR: I am sorry to interrupt. Can I
17 ask for you to repeat what page you are on? This
18 is a large document.

19 MR. SAUER: Seventh page of the PDF.

20 MR. SUR: Seventh page of the PDF.

21 MR. SAUER: It's got Bates No. 86 at the
22 bottom.

23 MR. SUR: Okay. Okay. Mr. Chan, if you
24 want to read the document.

25 THE WITNESS: Is this a document dated

ELVIS CHAN 11/29/2022

Page 294

1 Tuesday, November 17th, 2020, 12:16:09 p.m.?

2 Q. BY MR. SAUER: Yeah. And you say --

3 A. If you could bear with me while I read my
4 email.

5 Q. Sure.

6 A. Oh, yeah, so you said the second agenda
7 item was "Post Election Hot Wash"?

8 Q. Yeah. What does that mean?

9 A. So sorry. That is a law enforcement term.
10 A hot wash -- so after the FBI -- when we conduct a
11 search operation or execute an arrest operation,
12 after we're done with the operation, then we have a
13 meeting as closely thereafter the operation as we
14 can to discuss what we thought went well, what we
15 thought needs improvement, what we think needs to
16 change for next time.

17 So a hot wash is similar to an
18 after-action meeting.

19 Q. Did you discuss with all the social media
20 platforms what went well, what didn't go well and
21 what we need to do differently next time?

22 A. Yes. From my recollection, we had hot
23 wash meetings with all of the social media
24 companies that I previously listed.

25 Q. And what did -- what did you all think

1 **went well and think didn't go well?**

2 A. So based on my recollection, this is
3 specifically during the election command post that
4 this hot wash occurred. So after the election
5 command post. So my recollection was the hot wash
6 was specifically about the election command post.

7 And for that context, what the companies
8 said worked well was that -- I don't know if I
9 mentioned this yet, but we used two separate
10 communication channels to communicate with the
11 social media companies at the election command
12 post. One was called Signal -- I don't know if
13 you're familiar with that communication
14 application. It's an encrypted chat app.

15 And then the second method is via the
16 Teleporter application, which I referenced before
17 is the FBI's secure file transfer application.

18 So as I mentioned before, the companies
19 liked knowing that they were getting information in
20 realtime from the FBI and that they were getting
21 the same information as all of the other companies
22 on the Signal chat app. That was one of the things
23 I was highlighting as good.

24 Another thing that was highlighted as good
25 by the companies who received information from us

1 is we would send information about malign foreign
2 influence to specific companies as we became aware
3 of it, and then they would review it and determine
4 if they needed to take action.

5 So the companies who did receive
6 one-to-one Teleporter information from us also
7 liked that.

8 So those were the two things that I
9 remember that people liked in general.

10 **Q. What did they not like?**

11 A. So I think that -- so I don't remember the
12 social media companies telling us there wasn't
13 anything that they did not like. What I do
14 remember was I can't remember who, perhaps it was
15 me, just so you're aware, for the Signal channel,
16 it was one-way communication. It was the FBI,
17 specifically the FBI San Francisco command post,
18 disseminating information to the companies.

19 If the companies needed to relay
20 information back to the FBI, they would contact the
21 FBI San Francisco election command post either by
22 telephone or by email and request a Teleporter
23 link, and then they would share information back to
24 us in that fashion.

25 **Q. You think that was a cumbersome process?**

1 A. It was not realtime. I mean, at the end
2 of the day, I don't remember any specific instance
3 where the delay caused any harm to anything, but I
4 think what my preference would have been was for --
5 if they needed to, to set up direct Signal channels
6 only with the FBI so that they could get realtime
7 information as well.

8 But the social media companies -- or
9 actually all of the companies who were on the
10 receiving end, they -- I was told that they all had
11 an internal discussion and their preference was to
12 only use Signal for FBI broadcasts.

13 **Q. You mentioned Signal and Teleporter as two**
14 **channels of communication between the FBI and the**
15 **social media companies. Are there any others?**

16 A. No. So, I mean -- let me rephrase that.
17 The only other commun- -- the only other situations
18 where we relayed information to the companies was
19 during those quarterly or monthly or weekly FITF
20 meetings with the social media companies. So that,
21 I guess, would be a third method of relaying
22 information.

23 **Q. Is Signal a self-deleting app? Is it an**
24 **app where your messages disappear after they are**
25 **read?**

ELVIS CHAN 11/29/2022

Page 298

1 A. So yes, in general, Signal is a
2 self-deleting app. But based on guidance from FBI
3 headquarters, we had to turn that functionality off
4 because we needed to save all of that information.
5 So we did. We took screen shots of all of the
6 information on the Signal channel. We burned it to
7 DVDs, and then we have saved it as evidence.

8 **Q. So all the -- all the communications on**
9 **Signal between FBI and social media platforms from**
10 **2022 and 2020 are saved on -- on DVDs or CDs?**

11 A. No. Only the information -- only the
12 Signal information from the 2020 FBI San Francisco
13 command post was saved. And the reason for that
14 was both the social media companies as well as the
15 FBI assessed that there would not require the need
16 for the Signal channel because we did not
17 anticipate a large amount of information being
18 disseminated from the FBI for the 2022 midterm
19 elections.

20 **Q. Did you not use Signal at all in 2022?**

21 A. No. It was primarily through Teleporter.

22 **Q. You did use Teleporter for the 2022**
23 **elections to report misinformation concerns to**
24 **social media platforms?**

25 A. That is correct.

ELVIS CHAN 11/29/2022

Page 299

1 Q. And then you used both version -- or both
2 channels in 2020?

3 A. That's correct.

4 Q. And the Teleporter communication still
5 exists as well; is that right?

6 A. Yes, they currently exist.

7 Q. On this same page you talk about "what we
8 need to do differently for next time." What did
9 you -- what did you all decide you need to do
10 differently next time?

11 MR. SUR: Objection; calls for
12 speculation.

13 THE WITNESS: Honestly, I wrote that down,
14 but I don't remember any things that the companies
15 wanted to do differently.

16 Q. BY MR. SAUER: I take it one thing you did
17 do differently was you stopped using Signal, right?

18 A. Well, that was for the 2022 elections only
19 because both the companies and the FBI assessed
20 that there would not be the same volume of
21 information that happened in the 2020 cycle. I
22 believe that differentiation is, you know, between
23 a general elections versus a midterm election.

24 MR. SAUER: I am going to jump ahead to
25 the page marked LinkedIn 146. And Indraneel, it is

ELVIS CHAN 11/29/2022

Page 300

1 the tenth page of the PDF.

2 MR. SUR: Tenth page of the PDF.

3 Q. BY MR. SAUER: If you go up there on the
4 ninth page, Agent Chan, you see that Tuesday, July
5 14th, 2020, 11:02 a.m. there's an email from you to
6 the LinkedIn team?

7 MR. SUR: I apologize. I am not seeing
8 the date. Is the date at the bottom of the
9 previous page?

10 MR. SAUER: The date's at the bottom of
11 Page 9 if you look at the file share.

12 THE WITNESS: Did you say July 14, 2020,
13 11:02 a.m.?

14 Q. BY MR. SAUER: I said that.

15 A. Okay.

16 Q. If you scroll down, you are talking about
17 having the next round of FITF bilateral meetings
18 with LinkedIn scheduled. Do you see that?

19 A. Correct.

20 Q. And then at the bottom you say, "Planning
21 for U.S. elections: FBI posture, your posture, and
22 the information sharing" channel and "channels and
23 methods," correct?

24 A. Yes.

25 Q. What did you mean by "FBI posture and your

1 **posture"?**

2 A. The FBI posture was what the FBI San
3 Francisco command post would look like, when it
4 would be active, who it would be staffed by. And
5 then the FITF personnel would describe what the FBI
6 headquarters command post would look like. That's
7 what was meant by "FBI posture."

8 **Q. This is planning --**

9 A. And then your --

10 **Q. Go ahead.**

11 A. And then "Your posture," that's when we
12 asked the companies how they expected to have
13 personnel.

14 Just so you're aware, I think in general,
15 like FBI -- so FBI headquarters, they just ran 24
16 hours a day for their command post, I believe from
17 Friday to Tuesday. FBI San Francisco ran from, I
18 believe, 8:00 o'clock in the morning to perhaps
19 10:00 o'clock at night every day except the
20 election, when we ran until midnight.

21 So asking about your posture would be
22 asking the companies when they intended to have
23 personnel on what days monitoring their platform
24 for any threats that they saw.

25 **Q. And what did you say about information**

1 **sharing channels and methods?**

2 A. So I think that is when we wanted to
3 confirm if Signal and Teleporter would be the
4 accepted communication channels.

5 **Q. Anything else?**

6 A. Not that I'm aware of.

7 **Q. Were the tech companies okay with using**
8 **Signal and Teleporter?**

9 A. So the tech companies were the ones who
10 suggested Signal as the real -- the, quote/unquote,
11 realtime communication platform.

12 **Q. And the FBI continued to use Teleporter as**
13 **well?**

14 A. Yes. Because that is our secure file
15 transfer system, and I believe that the companies
16 were comfortable using that system.

17 **Q. Jump ahead to LinkedIn 163.**

18 **(Discussion off the record.)**

19 MR. SUR: May I ask what the SES heading
20 is?

21 MR. SAUER: This is the twenty-first page
22 of the PDF.

23 **Q. Agent Chan, you see there on the file**
24 **share this is an email from you to the LinkedIn**
25 **team dated October 19th, 2020?**

1 MR. SUR: Yes, let's just give him a
2 moment to see it on the screen.

3 THE WITNESS: Yes, I see that email.

4 Q. BY MR. SAUER: In this email you say
5 "LinkedIn folks," says, "Subject: Additional
6 information," correct?

7 A. Yes.

8 Q. There's a gentleman here who you've copied
9 from -- right there with the initials AF from the
10 FBI. Do you see that?

11 A. Yes, I do.

12 Q. Who is he?

13 A. He is a member of the Foreign Influence
14 Task Force, specifically the global unit.

15 Q. What does "CID" stand for next to his
16 name?

17 A. Criminal Investigative Division. That's a
18 headquarters component.

19 Q. You refer to someone by a nickname here
20 and in the body of the email. Is that the same
21 individual with the initials AF?

22 A. That is correct.

23 Q. You say, "LinkedIn folks, please see
24 additional information from FITF-Global Unit. I
25 have cc'd" that guy "in case you have any

1 **questions. Thanks."**

2 **Do you have any idea what the initial**
3 **information was you are sending here?**

4 A. I have -- I have no idea. I can't
5 remember. I sent so much -- you know, it happens
6 so regularly, I couldn't even speculate.

7 **Q. It says -- it looks like you cut and**
8 **pasted some texts saying, "Named U.S. political**
9 **party: Republicans. Named U.S. presidential**
10 **candidate: Biden. The U.S. President: Trump."**
11 **Do you have any idea what that's referring to?**

12 A. I don't. I can provide you with my
13 speculation.

14 **Q. Go ahead.**

15 A. I believe that link -- I believe that we
16 may not have named with specificity the U.S.
17 political party, the U.S. presidential candidate or
18 the U.S. president, and that LinkedIn may have
19 asked for clarifying information.

20 **Q. About what, clarifying --**

21 A. About the information that was shared.

22 **Q. Here there's a reference here to**
23 **"Information Sharing 5," right?**

24 A. Yes.

25 **Q. What's that mean?**

1 A. So to me that would mean I had probably
2 shared -- I don't know this for a fact, but from my
3 own speculation, I would believe that at some point
4 in October I shared five separate documents with --
5 at least five separate documents with LinkedIn, and
6 that one of the documents was named "Information
7 Sharing 5," and that within that document we have
8 information about a U.S. political party, a U.S.
9 presidential candidate and a U.S. president.

10 **Q. What kind of information about the U.S.**
11 **political party, presidential candidate, president**
12 **would you have shared with LinkedIn?**

13 A. I have -- I have no idea. I can't
14 recollect, unfortunately, without looking at the
15 actual document.

16 **Q. Would it be disinformation related?**

17 A. My guess would be it would be
18 disinformation related. And because it's coming
19 from the global unit, it would be disinformation
20 information not related to Russia or China.
21 Because global unit handles Iran and other
22 countries.

23 **Q. This would be a potentially**
24 **malign-foreign-influence-type activity from**
25 **countries other than Russia or China?**

1 A. Without seeing the actual document or
2 remembering at this time, that would be my best
3 assessment.

4 **Q. Let me jump ahead to a page marked**
5 **LinkedIn 168. This is the twenty-sixth page of the**
6 **PDF. Are you with me?**

7 MR. SUR: Yes. Mr. Chan needs a moment to
8 review the document.

9 THE WITNESS: Is this a document sent on
10 11/19/2020 9:07:16 a.m.?

11 **Q. BY MR. SAUER: Correct. In this email you**
12 **say, "LinkedIn folks, heads up I'll be sending you**
13 **a Teleporter link with new indicators, which are**
14 **not election related." Do you know what that**
15 **means?**

16 A. I can't remember, but I would surmise that
17 it meant it was not related to the election that
18 just occurred earlier in the month.

19 **Q. And then indicators I think you testified**
20 **earlier refers to URLs or specific accounts or**
21 **things of that nature, right?**

22 A. Yes. It would be different indicia of
23 that nature.

24 **Q. So do you flag disinformation/**
25 **misinformation from malign foreign actors to social**

ELVIS CHAN 11/29/2022

Page 307

1 **media platforms that doesn't relate to elections?**

2 A. I don't know why I -- I can't remember why
3 I flagged that as not being election related. I
4 think the only -- I don't recall exactly, but I
5 would surmise that I would have flagged it as
6 election -- like, if it was election related, I
7 believe that all of the companies, including
8 LinkedIn, would have acted on it quickly.

9 You know, everyone was very tired from
10 working very long hours and very long shifts during
11 the election command posts.

12 So that would be the only reason -- or
13 that would be a reason why I believe I would have
14 flagged it as not election related so that they
15 wouldn't have to, you know -- like, if they were
16 taking the day off or taking time off because it
17 was near Thanksgiving time frame.

18 **Q. What -- what malign-foreign-influence**
19 **activities do you flag for social media companies**
20 **that aren't related to elections? What sort of**
21 **content do you flag?**

22 A. So in general, it would be -- in general,
23 it would be from our cyber investigations, or from
24 state-sponsored actors that were -- that we would
25 not believe were associated with hack-and-dump

1 campaigns. That would be one type of nonelection
2 related.

3 **Q. Are there others?**

4 A. Off the top of my head, that's the one
5 that's sticking out to me. That would be a likely
6 type of information. It would be related to a
7 cyber investigation that was not necessarily
8 related to any disinformation, specifically any
9 malign foreign influence.

10 MR. SAUER: I don't have any further
11 questions.

12 (Discussion off the record.)

13 EXAMINATION BY MR. SUR

14 **Q. Mr. Chan, you testified earlier today**
15 **about the 2020 Hunter Biden laptop story in the**
16 **questioning with Mr. Sauer. Do you remember the**
17 **question that came from a Facebook analyst at one**
18 **of the meetings in 2020?**

19 A. Yes.

20 **Q. Okay. And what was that question, to your**
21 **recollection?**

22 A. To my recollection, the question was,
23 "What can you share about the Hunter Biden case?"

24 **Q. And at that meeting you were there with**
25 **other FBI officials; is that right?**

1 A. Yes, with Foreign Influence Task Force
2 officials.

3 **Q. Okay. And who were they again?**

4 A. I specifically remember Laura Dehmlow was
5 present because she was the official who said that
6 the FBI had no comment.

7 **Q. Okay. Did she --**

8 **(Discussion off the record.)**

9 **Q. BY MR. SUR: So picking up there, did**
10 **Ms. Dehmlow say anything else?**

11 A. Not in response to the Hunter Biden
12 question.

13 MR. SUR: That's all I have.

14 MR. SAUER: Nothing further.

15 **(Discussion off the record.)**

16 THE VIDEOGRAPHER: Okay. This concludes
17 today's deposition of Elvis Chan. We are off the
18 record at 5:47 p.m.

19 (Whereupon the proceedings were
20 concluded at 5:47 p.m.)

21 ---o0o---

22

23

24

25

ELVIS CHAN 11/29/2022

Page 310

1

DEPOSITION OFFICER'S CERTIFICATE

2 STATE OF CALIFORNIA)

3) ss.

4 COUNTY OF SAN FRANCISCO)

5

6 I, Balinda Dunlap, hereby certify:

7 I am a duly qualified Certified Shorthand
8 Reporter in the State of California, holder of
9 Certificate Number CSR 10710 issued by the Certified Court
10 Reporters' Board of California and which is in full
11 force and effect. (Fed. R. Civ. P. 28(a)(1)).

12 I am authorized to administer oaths or
13 affirmations pursuant to California Code of Civil
14 Procedure, Section 2093(b) and prior to being examined,
15 the witness was first duly sworn by me. (Fed. R. Civ.
16 P. 28(a)(a)).

17 I am not a relative or employee or attorney or
18 counsel of any of the parties, nor am I a relative or
19 employee of such attorney or counsel, nor am I
20 financially interested in this action. (Fed. R. Civ. P.
21 28).

22 I am the deposition officer that
23 stenographically recorded the testimony in the foregoing
24 deposition and the foregoing transcript is a true record

25 / / /

ELVIS CHAN 11/29/2022

Page 311

1 of the testimony given by the witness. (Fed. R. Civ. P.
2 30(f)(1)).

3 Before completion of the deposition, review of
4 the transcript [] was [] was not requested. If
5 requested, any changes made by the deponent (and
6 provided to the reporter) during the period allowed, are
7 appended hereto. (Fed. R. Civ. P. 30(e)).

8

9 Dated:

UB. Dunlap

10

11

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25

ELVIS CHAN 11/29/2022

Page 312

1 LEXITAS LEGAL

2 December 5, 2022

3 DEPARTMENT OF JUSTICE
4 1100 L Street Northwest
5 Washington, D.C. 29530
6 INDRANEEL SUR, ESQ.

7 IN RE: STATE OF MISSOURI, et al. v. JOSEPH R.
8 BIDEN, JUNIOR, et al.

9 Dear Mr. Sur,

10 Please find enclosed your copies of the deposition of
11 ELVIS CHAN taken on November 29, 2022 in the
12 above-referenced case. Also enclosed is the original
13 signature page and errata sheets.

14 Please have the witness read your copy of the
15 transcript, indicate any changes and/or corrections
16 desired on the errata sheets, and sign the signature
17 page before a notary public.

18 Please return the errata sheets and notarized
19 signature page within 30 days to our office at 711 N
20 11th Street, St. Louis, MO 63101 for filing.

21 Sincerely,

22

23

24 LEXITAS LEGAL

25

ELVIS CHAN 11/29/2022

Page 313

1 ERRATA SHEET
2 Witness Name: ELVIS CHAN
3 Case Name: STATE OF MISSOURI, et al. v. JOSEPH R.
4 BIDEN, JUNIOR, et al.
5 Date Taken: NOVEMBER 29, 2022
6
7 Page #_____ Line #_____
8 Should read: _____
9 Reason for change: _____
10
11 Page #_____ Line #_____
12 Should read: _____
13 Reason for change: _____
14
15 Page #_____ Line #_____
16 Should read: _____
17 Reason for change: _____
18
19 Page #_____ Line #_____
20 Should read: _____
21 Reason for change: _____
22
23 Page #_____ Line #_____
24 Should read: _____
25 Reason for change: _____
26
27 Witness Signature: _____

ELVIS CHAN 11/29/2022

Page 314

1 STATE OF _____)

2 COUNTY OF _____)

3

4 I, ELVIS CHAN, do hereby certify:

5 That I have read the foregoing deposition;

6 That I have made such changes in form

7 and/or substance to the within deposition as might

8 be necessary to render the same true and correct;

9 That having made such changes thereon, I

10 hereby subscribe my name to the deposition.

11 I declare under penalty of perjury that the

12 foregoing is true and correct.

13 Executed this _____ day of _____,

14 20____, at _____.

15

16

17

18

ELVIS CHAN

20

21

NOTARY PUBLIC

22 My Commission Expires:

23 135954

24

25

ELVIS CHAN 11/29/2022

A	312:9	265:17,21	163:1	34:10
A-l-i-a 49:5	abstract	accounts	165:17	37:18
A-n-t 210:7	28:14 29:1	14:13 15:3	199:3	102:25
A-u-t-e-n	abundance	15:16 30:5	232:3	104:4,17
256:25	174:11	30:5 31:24	235:23	129:2,14
A-y-l-e-a	accepted	32:13,24	236:22	129:16
49:6	302:4	33:5,10,15	273:13,21	133:11
a.m 6:5,12	accepting	34:2,17,24	274:4,17	136:14
22:13,16	168:19	35:3,12	306:20	143:12,19
77:10,13	access	37:21 38:1	accurately	166:20
96:13,16	136:22	38:5 60:4	224:1	232:19
106:8,11	174:16	62:4 65:14	achieve	249:8,9,17
167:25	accessed	68:21 70:5	126:19	249:25
197:17	14:18	70:10,17	achieving	250:21,23
292:17,18	accident...	71:16,25	78:16	251:15
292:22	113:15	74:1,11	142:20	253:25
300:5,13	138:11	78:3 86:22	acknowledge...	254:3
306:10	139:13	92:20,24	38:14	270:19
Aaron 46:1	accord	93:7,8	acquire	274:3,15
abbreviate	188:19	95:2 96:6	111:19	activate
24:17 25:1	189:8,12	96:7,25	acquired	168:8
abbrevia...	account	98:17	73:9	active 71:3
143:5	29:11	99:14,19	acronym	108:5
ability	32:10,11	99:21	279:9	120:23
16:24	35:19,23	100:2,6,8	act 16:22	125:20
115:2	36:16	100:13	111:23,24	126:3
206:11	68:22,23	103:17	121:23	127:11
able 14:1	69:4 76:5	111:3,5,6	143:11	147:17
20:3 31:11	76:16,17	112:12,16	acted 108:13	186:2
32:23	76:19	113:25	149:6	195:20,22
73:11	83:10,11	114:2,6,10	150:17	196:1,4,8
86:10,18	89:2,5	114:14,23	165:25	196:13
102:24	90:11	115:12	307:8	203:17
112:2	100:16	131:8	action 68:8	215:10
114:4,18	112:17,18	132:13,18	102:19	258:8
120:21	112:19	133:25	147:4	301:4
133:16	113:24	134:2,7	160:18	actively
136:23	114:20	138:18	167:12	204:19
146:24	115:3,6,20	143:15,20	205:1	activities
160:5	116:18	144:1,23	242:4	12:3 13:1
162:25	117:10	146:16,24	254:6	13:5,6
176:8	125:20	147:5,7,12	287:2	14:8 46:22
235:21	128:23	147:19	296:4	54:17
244:22	130:17	148:9,19	310:20	55:16
253:1	131:4	149:10,23	actionable	66:24
270:22,24	133:21	150:7,18	88:21,25	69:14,25
abolished	139:13	158:16,21	287:7,8	90:1 92:2
268:19	165:19,21	159:23	actions 12:6	93:7,8,19
above-re...	244:3	162:24	12:10	94:1,25

ELVIS CHAN 11/29/2022

95:9 126:2	80:14	130:12	310:13	213:14
138:6,8	81:14,21	136:15	Africa 31:9	279:25
156:25	82:3,4,19	ads 78:1,12	31:20	280:15
240:7	83:9,12,15	78:25 79:2	after-ac...	281:9
307:19	83:16,25	80:15	294:18	282:25
activity	114:24	93:11,12	AFTERNOON	289:11
13:7,8	115:13	93:14	141:2	291:3,7
87:14	add 12:17	advance	age 84:23	294:6
90:13 95:7	118:21	120:10,12	agencies	agent 8:11
95:8,14,14	239:13	advanced	17:16 18:1	23:20
126:24	270:24	272:23	18:7,11	51:14
136:17,20	added 42:10	advantage	24:8 57:7	52:10 53:8
137:12	42:12	227:23	57:11	53:11
138:19	addition	advertise	152:20	54:12 59:2
160:19	10:5 21:16	72:24	170:9	77:14
167:16	131:5	advertis...	211:12	79:20
305:24	184:24	77:18	218:25	96:17
actor 113:2	additional	78:11	221:5,8,23	107:21
285:18,19	103:11	83:14	278:22	141:6
actors 14:5	163:19	advertising	281:23	148:7
32:14	164:23	93:16	285:10	259:15
33:16	266:8	advice 30:12	agency 16:23	271:6
39:10,13	275:25	30:18	18:17 31:7	300:4
42:16 51:1	279:16	282:19	31:19 60:2	302:23
53:25 60:3	303:5,24	advise	61:12	agents 105:5
138:5	address 62:4	206:10	69:17 73:4	105:8,14
154:5	100:9	advised	75:9,25	106:24
187:4	129:3	163:21	76:3 78:21	107:6,15
190:5	133:6	advising	100:7,10	107:20
219:2,8,24	134:20	50:19	111:14,14	108:16,21
226:8,10	186:5,15	advisories	138:4,25	110:1
227:18	211:4	244:14,16	141:18	176:22
258:11	248:25	244:17,21	143:3	177:8
285:21	249:4	244:24	154:6	aggressive
306:25	addresses	245:3,6	157:1	76:13
307:24	30:5 31:23	advisory	221:13,15	117:9
actual 9:24	51:4 99:21	245:9	221:17	130:11
59:13 74:5	168:11	279:2,5	233:9	242:4
111:5	199:4	284:3	278:17	262:2,19
151:4	addressing	AF 303:9,21	286:20	270:15,20
156:21	82:7 92:1	Affairs	Agency's	aggressi...
168:5	250:13	140:5	126:15	116:18
220:7	adjudicated	affidavit	Agency-a...	ago 11:18
265:12	196:10	222:23	143:16	15:20 71:4
282:25	adjusted	224:21	agenda 27:18	71:14
305:15	205:6	affiliated	27:25	95:11
306:1	administer	265:25	110:3	96:18
ad 44:20	310:12	266:1	188:1	131:22
68:15,23	adopted	affirmat...	190:20	194:10

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ELVIS CHAN 11/29/2022

217:19	246:14	allow 159:15	61:6,16	213:15
239:1	253:6	269:11	64:17	257:9
254:2	255:20	allowed	85:21 95:3	analyze
agree 33:22	258:23	81:15	142:2,7	198:14
68:13	280:11	112:7	143:25	and/"or
77:22,24	293:9	126:19	145:9,16	244:7
82:14	299:24	311:6	145:20,20	and/or
127:17,22	301:10	allows	amount 15:12	290:11
159:8,14	302:17	111:25	73:2	312:13
179:2,3,21	304:14	alongside	110:21	314:7
179:24	306:4	159:16	150:13	Angela 46:17
180:2	al 1:6,10	AMANDA 2:12	298:17	124:18,19
219:22	259:6	amanda.k...	amplific...	124:20
225:17	312:5,6	2:14	76:6 158:5	Angeles
273:16	313:2,2	ambiguous	amplific...	276:16
276:3	alert 165:9	146:9,20	87:8	Anna 271:13
agreeing	165:12	154:1	amplified	271:16
35:5	243:18	156:19	60:5 86:22	announced
ahead 12:4	245:19	159:24	87:4	132:12
20:1 22:20	247:5	166:1	amplify	149:10
26:21 27:8	255:11	168:23	60:22	161:1
28:14 31:1	alerted	amended 4:17	70:19	announcing
31:2 37:1	243:8	169:16	71:16,19	7:19 150:6
38:8 40:8	244:5,10	277:13	72:12	annual 120:8
40:9,11,13	alerts	Amendment	73:12,13	122:23
51:7 52:16	243:16	76:14,18	73:25 74:8	answer 9:9
54:21	245:17	83:16	74:15	12:1 15:6
58:23	246:7,9	122:7,10	76:15	21:21
78:24 83:5	247:5,11	139:5,12	158:11	34:21 92:4
84:7 128:6	Alex 54:4	163:22	amplifying	97:12
132:21	57:20,24	286:13	286:15	104:8
135:2	58:5	America	analysis	111:9
144:19	algorithm	85:17	4:12 14:24	121:15,18
147:8	88:12,24	American	15:1 24:12	122:13
150:21,25	90:12	14:7 61:13	170:23	164:9
157:6	algorithms	67:9 70:11	278:11	174:2,4
158:23	88:4,5,17	70:23	analyst	187:16
161:14,14	89:9,11,15	74:19 76:4	214:4,18	188:24
161:18,25	90:4	76:13 85:9	216:14	189:2,12
167:4	129:25	85:14 86:8	233:23	190:22
176:5	136:16	86:16	257:2,6,7	193:20,22
192:5	aligned	163:3	263:19	194:23,24
203:20,23	86:23	231:15	264:15	195:12
203:25	all-source	235:5	265:5,10	199:24
208:23	278:20	275:18	266:4	200:19
220:15	allegedly	American-	308:17	202:2,19
229:1	230:1	143:6	analysts	202:22
242:7	ALLIANCE	145:24	44:19,22	233:18
245:13	2:15,16	Americans	139:6	243:6

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ELVIS CHAN 11/29/2022

252:20	256:4	approxim...	248:19,21	231:14
answers	261:14	16:12	249:3	242:6
250:22	appended	April 159:12	250:11	249:22
anticipate	311:7	161:1	252:23	258:14
41:8,15	Apple 42:6,8	area 24:25	272:3	264:18
61:15	234:6	276:17	290:7	306:3
298:17	applicable	arrest	301:12	assessments
anticipated	232:14	294:11	304:19	157:4
174:24	application	arrested	asking 9:7,9	assistant
212:8	99:2	196:11	9:16 89:14	8:11 184:5
Antonaros	138:11	arrive 269:9	89:23	184:12,21
210:3	195:5,7	269:16,23	119:2	185:6
anybody	291:25	arrived	164:6	234:23
175:15	295:14,16	242:10,21	171:2	associated
191:16,16	295:17	art 30:3	179:12	135:18
209:6	applicat...	article	189:17	193:10,15
anymore	138:7	56:25	248:3,5	195:25
76:20	applies	131:19,20	250:14	222:25
124:24	94:19	153:2	252:11	223:9,14
anyway 23:14	apply 99:21	214:9	260:21,23	223:17
23:19	108:15	230:12,14	301:21,22	237:10
AOL 235:22	122:3,8	articles	asks 272:2	239:11
AOR 25:1	185:19	142:2,3,7	assert	257:21
apart 98:20	250:19	142:10	122:12	259:20
apologize	appreciate	144:1	194:11	307:25
300:7	102:23	229:23	assess 33:21	assume
app 12:23	approach	230:4,8,22	34:16 63:5	150:12
295:14,22	23:9	230:23,25	100:6,8	243:17
297:23,24	127:24	232:2,14	267:20,21	245:18
298:2	approaching	232:16	274:7	246:2,8
appeal	77:3	275:9	assessed	285:6
149:19	appropriate	arts 10:17	168:5	assumes
appear	32:20	as-needed	266:13	43:19
149:19	34:10,11	44:21	298:15	74:22
247:12,20	35:10 51:2	ASAC 107:7	299:19	76:22 82:1
appeared 6:8	98:11	ascertain	assesses	144:4
37:13	180:5	88:16	217:9	175:2
67:17	226:24	ASD-HKS	assessing	assumption
128:22	234:10	279:7	73:3	149:8
130:15	264:17	asked 27:11	assessment	150:4
133:15	274:14	89:21	35:5 70:15	156:5
151:2	292:3	149:1	70:25 71:1	166:16
243:19	approval	174:22	73:21	Atlantic
247:6	62:22	213:15	133:1	162:2
248:6	82:13	214:5,23	145:22	attached
249:7,14	160:5	215:20	147:21	32:18
256:9	267:12	216:4,14	194:8	36:23
appears	approve	233:23	203:18	attack
170:16	133:10	247:25	229:9	276:24

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ELVIS CHAN 11/29/2022

277:2	109:24	137:23	213:4	102:19, 24
attacks	171:24	140:7	218:14, 19	103:15
223:2, 3, 9	186:2	audiences	220:23	104:21
223:15	attendees	140:2	222:17	105:12
225:4	25:16	audio 4:23	223:19	106:10
261:8	attending	5:6 126:6	224:15	112:12
271:9	23:24	259:4, 13	230:8, 9, 16	115:4
276:22	125:13	August 155:4	230:16	129:12
attempt	152:23	192:15	232:19, 25	141:4, 7
243:21	attends	Auten 256:24	233:2, 8, 10	164:14
247:8	24:13, 14	authentic	233:13, 19	180:13, 15
256:1, 10	44:10	132:18	233:25	198:23
258:12	attention	138:18	236:22	234:17
attempted	29:1 77:16	146:8	246:4, 21	255:8
59:12	128:20	author 11:15	246:23	275:15, 15
attempting	141:7	authorit...	247:2	277:20
64:1	217:21	265:13	251:6	284:23
attempts	attorney 2:4	authorities	266:16	287:18
43:18	7:3 22:22	111:16, 17	274:18, 21	296:20, 23
50:20	46:14 47:7	111:22, 22	275:3, 4, 6	back-and...
174:15	47:12	authority	275:7	286:19
273:2, 4	124:3	49:10, 16	280:8, 10	background
291:1	237:14, 15	215:12	280:13	10:12
attend 20:3	237:25	authorized	281:20	bad 97:25
20:5 24:18	267:6, 6	310:12	288:4	100:2, 2
24:21	268:8, 9	available	296:2, 15	101:24
46:15	270:6	24:19	301:14	Baker 239:14
109:19, 20	310:17, 19	138:16	302:6	239:17
109:22	Attorney's	148:18	awareness	240:3
110:5, 6, 13	6:19 266:7	avoids	16:5	Baldwin 49:4
110:19	267:2	121:16	172:14	Balinda 1:24
125:10	attorney...	aware 18:6	Aylea 49:4	6:6, 21
239:16, 17	164:1	18:15		310:6
239:20	187:10	56:15 57:3	B	ballot 19:11
attended	188:9, 25	57:6, 8, 10	B 157:11	166:15
20:8	201:25	58:3, 4, 7, 9	265:8	267:25
109:14, 16	202:3, 18	58:16, 19	266:2	269:11, 11
109:17	attorneys	58:22	269:6	269:23
123:18	6:24 23:5	107:14	bachelor	ballots
153:4	43:12	108:20, 21	10:14	156:23
156:6	123:10	108:24	back 22:15	164:18
178:17	135:18	113:13	28:12	ballpark
180:20, 23	151:16, 18	125:4	38:15 41:2	148:20
181:14, 20	164:24	126:1, 3	42:19, 22	base 31:8
182:15, 22	268:7, 7	148:8	50:3 52:11	114:24
182:24, 25	270:9	161:12	67:1 71:13	based 14:22
183:2	attributed	192:3, 6, 22	77:12	21:24
290:22	113:1	208:22, 24	95:11	63:25 80:7
attendee	audience	212:23	96:15, 17	80:22

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ELVIS CHAN 11/29/2022

95:18	Baton 3:5	139:1,3	255:17	216:5,11
103:1,12	bear 294:3	140:6	257:1,6,16	227:11,25
114:18	Bears 4:11	142:16,17	259:18	228:7,17
134:15	11:3	143:21	263:18,20	228:22
135:4	began 54:24	151:21,23	264:4	229:4,10
136:21	beginning	155:25,25	267:8	229:17
137:19	51:18	162:13,25	271:21	230:1,16
140:12	125:23	165:1	276:9	232:7,24
145:6	155:20	167:24	278:12	233:5,24
151:4	190:8	171:17	288:9	234:2
167:10	begins 37:8	173:17	291:15	243:25
168:2	144:21	174:21	299:22	252:14
170:15	170:2	175:23	301:16,18	253:9
194:7	behalf 7:2,6	182:1	302:15	259:6
195:1,17	290:8	184:4	304:15,15	304:10
200:18	behavior	186:8,20	305:3	308:15,23
203:16	86:23	192:13	307:7,13	309:11
230:24	93:13	199:9	307:25	312:6
270:8	beings 45:14	203:19,22	believed	313:2
276:14,16	72:1 85:16	203:24	15:11	Biden's
287:2	87:22	204:8,18	143:2	212:24
290:1	89:25	204:21	203:18	230:9,17
295:2	90:25	205:9,15	believes	big 20:6
298:2	belief 134:9	205:15,22	35:2	213:21,21
basically	204:2	206:2,23	belong	281:18
17:23 78:2	218:23	207:6	236:22	bilateral
78:13	believe	208:21	belonged	39:5 183:2
82:14	15:20 19:4	211:7	230:1	185:21
158:11	19:24,25	212:15,18	Berger 3:9	189:24
219:23	20:3 25:11	213:25	3:11 7:19	291:14,17
250:4	27:2 31:18	214:8,15	7:21,21	293:2
basis 23:6	36:21 37:6	214:22	20:24 21:6	300:17
42:5,5	39:14	215:9	21:22	Bill 281:5
44:20,21	42:13	217:16	22:19,25	bit 39:17
97:11	45:25	219:17	23:2	70:8 77:4
100:1	47:15,25	221:18	Berkeley	145:7
117:15	48:1 58:13	222:1,18	58:11	197:1
160:11	62:23 74:5	224:8,11	best 13:9	231:5
173:18,21	78:20 90:6	224:13,22	115:2	277:23
173:21	95:23	226:10	306:2	black 67:3
198:5	109:17	227:22	better 83:4	69:10
208:7,10	116:1,4	228:25	133:20	80:13,16
208:13	117:7	229:3,6,6	134:4	275:10,12
220:14	122:4	231:21	Biden 1:9	286:12
229:18	124:12	240:6	6:15 213:6	blending
239:4	125:9	244:12	213:8,9,17	146:6
285:8	133:18	248:10,19	214:6,24	blocked
289:6	134:6	248:21	215:12,22	232:12
Bates 293:21	138:1	249:24	215:25	249:6

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ELVIS CHAN 11/29/2022

blocking	182:23	broader	182:5	41:13 48:6
232:1	183:4	200:25	cadence 40:1	49:14, 25
blog 130:23	281:5	280:12	40:2, 25	52:3, 4, 5
BlueJeans	branch 7:9	broadly	42:20 44:9	53:16
20:11	7:17 8:12	59:25	170:8	57:21 61:8
Board 310:10	45:5	90:22	171:13	63:22
body 303:20	121:13	112:2	181:2	67:14 68:4
bombing	brands 116:5	135:22	182:15	68:16, 25
143:13	breach 235:5	202:6	219:14	70:13 71:8
boosted	276:25	231:15	220:6	72:14
13:24	break 22:6	235:17	288:19, 21	73:18
boots 136:5	77:4 87:24	broke 95:22	288:24, 25	74:21
border 81:15	180:5	141:24	289:2	76:21
Borders	225:8	155:5	calculation	78:18
81:14	234:10	213:21	85:24	81:25
bot 72:19, 21	breaking	214:1, 16	calendar	90:19
76:2, 5, 14	77:2 96:10	253:9	289:3	104:14
76:16	breaks 86:8	broken 233:6	California	114:15
botnet 72:25	Brian 25:12	broker 58:2	6:1, 5, 8, 19	115:14
73:1, 11	25:15, 19	brought	58:6, 11	117:12
93:11	26:11, 14	116:24	141:1	135:10
bots 63:19	152:7	214:15	310:2, 8, 10	136:25
71:15, 24	256:24	Building 2:4	310:13	138:21
72:10, 17	278:8	bullet 170:2	call 27:12	139:17
72:17	brief 226:16	277:25	53:20, 21	150:10
73:23 74:3	226:20	278:2, 25	97:24	153:20
74:4, 8, 10	briefed	279:22, 24	155:21	160:21
74:13, 24	190:3	284:2, 11	168:6	174:2
75:1, 1	briefing	bullets	282:1, 5	188:7
85:14 87:5	48:18	276:8	called 8:2	213:1
87:8	190:10	bunch 247:19	16:2 18:24	215:17
158:10	briefings	Bureau 8:13	24:12 33:5	224:3
bottom 28:22	16:5, 7, 9	burned 298:6	47:24	228:19
28:24	16:14	Burns 2:21	53:19, 20	231:7, 18
83:19	38:25	2:23 7:5	56:13	236:6
84:20	108:25	button 263:1	62:24	237:16, 17
114:21	209:2	buy 78:12	72:21 99:2	237:18
132:14	226:9, 15		143:5	240:9
150:23	226:22	C	241:24	245:24
170:1	bring 39:8	C 2:1 3:1	259:16, 21	246:10
272:6	39:11	C-h-a-n 8:9	289:19	251:23
293:22	206:6	C-h-o-c-k	290:14	270:4
300:8, 10	broad 99:23	183:15	291:25	274:11
300:20	285:20	C-I-S-A	295:12	299:11
bought 73:6	286:8	279:19	calling	campaign
bounded	287:5	C-o 183:15	128:2	13:11
194:4	291:10	C-o-h-e-n	calls 26:6, 8	37:13
Box 2:22	broadcasts	182:4	34:6, 20	81:23
Brady 181:21	297:12	C-o-n-e	35:7 36:8	84:12, 22

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ELVIS CHAN 11/29/2022

126:16	9:23 115:2	cautioned	23:19,20	311:5
campaigns	carefully	248:23	51:14 59:2	312:13
4:13 29:10	9:8	caveat 148:4	77:14 83:5	314:6,9
30:14,23	Carnegie	cc'd 197:22	84:23	changing
35:18 36:1	142:5	303:25	96:17	130:5
36:5,11,13	carry 160:9	CDs 298:10	106:12	132:2
39:15	case 1:8	center	141:6	channel
59:19,24	21:11,15	134:11,14	180:16	98:23
63:16 70:2	30:19	134:25	197:8	296:15
79:22	112:4	137:6	259:15	298:6,16
155:2	122:7	159:1,1,14	271:6	300:22
159:2	141:12	161:4,13	280:22	channels
161:17,24	174:12	Center'	287:22	256:16
162:4	191:21	161:3	288:1	295:10
185:24	193:24	CEO 242:14	293:23	297:5,14
201:17	194:16	CEOs 4:21	300:4	299:2
223:1,10	195:17	116:21	302:23	300:22
223:15,17	196:9,21	128:2	306:7	302:1,4
223:21	205:16	241:21,24	308:14	characte...
224:17	239:23,24	259:23	309:17	68:20
283:10	289:3	260:2	312:8	84:24
308:1	292:1,3	certain 33:4	313:1	255:12
Canadian	303:25	73:1,2	314:4,19	characte...
93:12	308:23	90:5 130:6	Chan's 23:16	11:22
candidate	312:9	131:8	chance 10:8	15:10
304:10,17	313:2	132:3	change 87:19	30:18 34:7
305:9,11	cases 120:19	166:18	91:25	62:7 65:3
candidates	166:4,6,23	190:4,5	115:19	81:12
16:10,13	166:25	213:24	134:20	83:23
173:10	167:1	254:9	294:16	89:19
capability	195:5	263:21,23	313:7,11	126:22
209:3	cast 156:23	269:17	313:15,19	146:10
236:14	categories	284:4	313:23	151:6
capable	86:9 95:13	Certificate	changed 78:9	167:6
39:15	categorize	310:1,9	87:16	267:11
190:6	285:14	Certified	125:19	289:1
226:11,17	categorized	6:6 310:7	206:7,9,10	characte...
capacity	253:24	310:9	changes	226:6
23:16	category	certify	118:18	charge 8:12
54:12	93:18	310:6	128:23	43:23
55:21	caucus 19:6	314:4	129:1,3,6	charges
148:7	19:9	chain 263:22	129:18,24	196:3
234:25	caucuses	263:25	129:24,24	chat 295:14
Capps 2:7	19:8	266:12	130:4,16	295:22
7:4	cause 126:6	Chan 1:17	130:19,21	cheating
caps 260:14	252:4	4:4,14,16	130:21,24	268:18
279:19	caused 297:3	4:16,24	132:25	check 232:23
care 74:14	caution	5:7,9 6:14	133:6,10	checked
careful 9:18	174:12	7:21 8:1,9	133:11	142:18

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ELVIS CHAN 11/29/2022

chemical	152:4,8	281:9	civil 2:15	close 40:3,6
10:15	154:12,15	283:18	2:16 7:9	194:6
chemistry	155:21	286:24	7:16 9:1	closely
10:15	156:20	CISA-ind...	310:13	294:13
Chen 48:13	171:21,25	287:4	clarific...	closer 41:7
chief 48:1	172:9,13	CISA-led	9:13	41:9 90:13
54:8 109:7	177:14	156:10	clarify	160:2
109:13	178:2	277:10	33:12	cloud 42:12
152:3	186:5	CISA-org...	79:15	co-optees
175:18,21	204:7	170:12	84:15	146:3,11
184:6,10	211:6,17	181:8,13	129:13	Code 310:13
184:12,21	213:10	191:11	130:6	Cohen 182:4
185:4,7	218:22	218:7	169:18	Coie 197:20
200:8,23	219:8	228:5	194:25	colleagues
201:18	220:3	Cisco 20:11	clarifying	7:4,18
chiefs 184:5	221:18	citation	304:19,20	38:14,22
184:7,8	244:14	85:5	classifi...	57:16,19
185:2,8	275:5,25	cite 64:14	21:1	collect
China 94:13	276:6,7,11	85:25 87:2	160:12	74:12
94:23	276:13,22	131:19	classified	collection
109:13	277:4,8	142:3	20:25	288:2
155:3	278:7	147:22	120:21	collective
305:20,25	279:1,3,4	161:5	236:8	196:17
Chinese 95:7	279:6,15	cited 80:11	clear 10:1	colloqui...
Chock 181:22	279:17,19	86:25	23:14 39:4	47:22
183:14	280:1,11	95:15	179:4	Colonial
254:15	280:18,22	112:10	254:8	277:2
281:6	281:13,20	147:23	clearances	combat 4:13
choice 34:25	283:1	195:18	160:10	126:4
chosen	284:2,7	241:3,7	161:9	159:17
168:10	285:15	cites 127:25	clearly	combatting
Chris 47:23	290:22	citing 85:5	21:19	159:20
48:12	291:4	145:1	28:15	Combined
Christopher	CISA's	159:18	Clemson 87:2	4:17
246:3	170:22	162:1	clerk's	come 23:12
Chun 47:12	CISA-fac...	citizen	50:15	75:18
CHUZI 2:12	170:19	76:13	clerks 50:19	92:22
CID 303:15	CISA-held	citizen's	click 14:13	109:9
circling	189:22	76:4	263:1	118:24
96:17	CISA-hosted	citizens	clicked	121:7
Circuit	155:15,18	14:7 70:23	14:18	123:15
194:3	156:3	74:19	clicking	137:8
circumst...	180:24	78:22	66:9	165:3
23:8	187:22,24	143:6	client's	215:22
CISA 16:22	188:13	145:24	202:24	216:6
18:16,23	189:6	City 2:5	clients	258:20
24:9 25:8	192:1	Civ 310:11	179:11,25	comes 18:23
26:8,23	209:17	310:15,20	Clinton 67:3	30:22
27:14 28:1	218:11,17	311:1,7	69:10	comfortable

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Phone: 1.800.280.3376

Fax: 314.644.1334

ELVIS CHAN 11/29/2022

73:10	71:5 86:6	292:15	225:11	121:4,5
291:16	157:22	communic...	231:11,24	126:1,18
302:16	comments	98:22	278:17	127:6,20
coming 58:4	68:12,19	99:25	community's	132:24
119:18	68:24 69:4	100:15	231:1,6	133:5,16
173:20	69:8	108:1	companies	135:11
190:20	117:20	160:14	4:12 11:5	136:11
273:10	118:16	179:3	12:6 14:23	137:3,4
305:18	123:1	206:25	16:18	138:7,17
command	commission	295:10,13	17:20	139:21
162:13,21	159:13	296:16	18:19,25	140:1,9
164:25	160:2	297:14	20:10,13	143:2,8,11
165:5	314:23	299:4	20:15,20	144:10
167:15,18	committee	302:4,11	20:22	146:23
167:20,24	13:10,12	communic...	23:24	147:3
168:5,8,10	79:24	97:23	24:24 25:2	151:3
168:15	112:22	101:23	29:9,20	152:23
266:17	116:12,13	104:24	31:11	153:1,3,5
268:23	116:16,23	107:16,22	32:17,19	154:3,10
295:3,5,6	123:11,12	121:14,23	34:8,24	155:6,13
295:11	127:13	163:20	35:17,23	155:17
296:17,21	217:17	189:11	36:24,25	156:13
298:13	279:5	199:12,18	37:20	159:16
301:3,6,16	284:3	202:4	38:25 39:3	160:7
307:11	committees	203:9	39:6,19,20	163:17
commander	16:6	204:14	41:6,17	165:12
162:22	116:10	219:7	42:3,4	166:4
165:4	117:21	232:25	43:6 50:24	168:19,20
commencing	119:8	233:2,25	51:3 61:24	168:22
6:4	173:9	238:3,5,9	77:18 78:8	169:1
comment	common 9:5	238:11,18	80:1 87:21	172:24
117:17	58:1	255:12	89:21 90:3	173:3
191:3	124:20	275:20	92:6 98:25	174:12,15
213:19	264:2	290:14	100:20,23	174:18
214:5	commun-	291:9	102:4,8,15	175:11
215:4,5,7	297:17	298:8	102:17	176:11
215:13	communicate	communities	103:10	177:25
216:15	106:14,22	70:19,20	105:2,7	183:3
224:12	108:22	79:6	106:3	190:18,21
233:24	207:5	community	108:7	191:20
309:6	238:15	90:23 92:7	110:23	192:3,10
commentary	295:10	92:9	112:8	204:19
63:12 65:7	communic...	129:19,21	113:11	205:5,6
86:6	219:1	129:22	116:22	208:21
157:24	238:22,25	205:7	117:22	209:12
commented	communic...	222:25	118:5,7,10	210:21,21
68:10	105:23	223:8,13	118:25	210:24
161:15	119:9	223:23	120:1,3,11	211:1,7
commenting	158:16	224:15,23	120:17,18	216:4,10

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ELVIS CHAN 11/29/2022

227:16	238:11,12	152:18	222:3,3,11	concrete
243:9	238:13,14	218:13	225:20	251:2
244:5	243:17	280:15	246:18	condensed
248:15,17	245:18	compound	concerned	283:14
249:24	246:8	11:25	52:19	conditio...
252:25	248:13	14:20	53:24	203:1
253:22	252:5	27:19	138:10	conduct
261:8	274:1	64:20	155:1	155:1
262:10	276:25	65:11 71:8	187:2	190:11
269:20	277:3	72:14	195:15	226:8
272:17	company's	75:23 76:8	207:7	264:18
273:3,6,7	217:10	90:20 92:3	209:21	294:10
273:7,9,17	288:22	92:5 95:5	222:15	conducted
276:23	company-...	98:4	224:24	59:24
283:17	102:7	112:20	235:13,20	conducting
284:1	compare	comprised	249:22	30:15
285:9,12	65:17	78:22	255:19	190:6
286:2	compared	110:11	256:14	209:3
287:4,9	133:22	computer	concerns	226:11,17
289:1,2,15	compelled	59:9 71:15	105:23	Cone 181:22
289:22	116:20,21	72:2,6	139:8,10	182:5,23
291:16,19	competing	136:16	168:22	183:12
294:24	174:8	137:11	205:22	186:14,15
295:7,11	competitors	138:15	206:15	207:22
295:18,21	291:19	139:14	221:24	254:14
295:25	complaint	173:8	226:4,20	281:5
296:2,5,12	263:2	258:10	235:13,15	confer
296:18,19	264:4,10	CON 275:10	244:15	194:22
297:8,9,15	268:22	275:12	283:8	conference
297:18,20	complaints	concede	285:7	236:13
298:14	263:15	94:19	298:23	271:22
299:14,19	264:20,21	concern	concluded	272:19,21
301:12,22	compleme...	138:14,15	31:25 35:3	275:1,11
302:7,9,15	143:7	139:12,19	96:7 122:6	275:13,17
307:7,19	complete	190:15,18	166:9	275:23
companies'	198:24	190:25	234:8	conferences
61:24	completed	195:11	309:20	275:14,17
company	213:15	205:2,18	concludes	confidence
12:24 15:5	completely	205:21,24	309:16	32:22
27:4 42:13	151:24	207:18,25	conclus	112:23
45:21	completion	208:5,15	240:19	113:1,3
46:18	311:3	209:16	conclusion	confident
102:16	compliance	211:8	33:22	114:12
114:22	267:22	212:13,14	139:17	216:5,9
160:9	comply 103:3	212:16	240:22	confirm
190:24	component	219:19	270:5	214:19
205:11	24:11	220:21	conclusi...	302:3
209:14	303:18	221:1,10	240:20	confirmed
213:11	components	221:16,19	241:2	215:9,11

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ELVIS CHAN 11/29/2022

275:5	80:23 97:9	71:17,19	200:20	270:18
conflicting	99:9	74:6,7,9	202:20	contribu...
20:2	considered	74:15,17	214:10	132:9
Congress	19:5	74:17,23	215:15	control
116:1,8	consistent	74:24 75:2	contest 78:5	32:25 33:2
117:1,8	79:20	75:7,8,11	context 29:2	71:16
118:19	127:24	75:13,13	44:5 69:18	73:11
128:3	131:21	76:1 77:19	69:20,22	controlled
131:14,25	219:6	79:4 80:1	85:19	14:4 34:23
132:9	292:25	80:6 85:23	93:10	65:13 72:2
133:5	consolid...	86:17,23	105:24	77:20
241:25	257:23	89:10 90:5	162:8,11	100:7
congress...	constraints	90:5,9,10	164:24	convene
13:11	194:5	90:17 91:2	172:8	280:14
118:14	construc...	91:8,19	178:11	convened
119:22,24	132:25	95:3,16	189:21,24	284:12
120:9	133:9,15	105:9,16	190:1,2,17	convenes
122:23	133:18,20	126:25	190:24	26:18
123:4	construed	130:1	199:1	conversa...
124:5	217:11	132:3	201:16	52:24 53:6
125:17,24	consult	138:8	202:2,4	70:23
125:25	200:15	144:2	206:6	89:13
127:13,25	consulted	145:4	218:10,17	95:19
131:13	200:10,12	146:7,8	236:18	123:3
259:24	235:12	153:24	240:4	201:7,9,12
connect	contact	156:12	244:13,13	201:15
125:21	27:11,13	157:19,21	262:5	233:13
connected	53:22	158:6,12	264:22	convey
53:10	252:16	165:21,25	271:21	161:10
113:25	296:20	203:8,9	295:7	220:17
Connecting	contacts	205:2	contexts	221:9
125:15	45:22 46:4	206:11	44:8,24	conveyed
connection	contain	217:9,14	contingent	79:25
10:24	99:12	227:17	281:1,2	143:14
13:22	containing	233:4	continue	222:15
25:22	229:24	241:6	7:13 39:23	254:12
26:11 53:7	contains	254:9	84:3	conveying
53:8 82:25	99:8,10	273:13,22	122:12	221:13,16
191:13	contempo...	274:5,9,17	285:3	convince
226:22	290:16	285:13	continued	144:23
230:10	content	307:21	282:14	coordinate
267:20	43:24	content-...	284:25	276:21
connects	49:23,24	95:13	302:12	coordinated
136:13	60:6,10,16	129:7	continuing	39:1 92:23
consensu...	60:19,22	130:11	258:8	93:4,13
252:6	61:7 63:21	153:17	285:2	95:14
conserva...	64:16 65:9	266:14	contractor	168:4
149:20	67:8 70:12	contents	263:20	Coordina...
consider	70:18	193:22	contrast	284:13,17

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Fax: 314.644.1334

ELVIS CHAN 11/29/2022

coordina...	85:20 87:6	158:22	288:16	258:2
187:21	87:15,18	159:18	290:18	Counselor
190:19	89:12	161:19	291:15	234:8
282:2	90:15	165:8	292:5	counsels
copied	95:21,22	170:19	293:5	46:15
197:19	95:23	171:11,23	298:25	47:16
303:8	98:17,24	177:14,15	299:3	counter
copies 312:8	101:9	177:20	300:19,23	36:10
copy 11:8,12	103:19	180:22	303:6,22	133:16
60:14	104:1	181:4,17	306:11	158:25
312:12	106:15,16	183:5	314:8,12	countering
copying	107:8,12	184:9	corrections	134:17
198:3	108:10,18	185:2,3	312:13	159:2
correct	109:4	198:16	correspo...	counteri...
11:16,19	113:4,4,6	204:4,5,7	4:15 5:8	234:24
11:20	113:16	204:11	288:17	235:13
12:17 17:9	114:11	214:7	Coughlin	238:1
17:24	115:8	216:15,16	194:2	counterm...
26:12 28:8	117:2	216:16	Council	17:7
29:7,12,13	119:16	217:7	162:2	counterm...
32:2 33:1	120:12	221:21,22	284:13,17	11:6 12:9
33:6,7,23	121:9	225:22	counsel	15:20,22
33:24 34:4	123:16	226:22	21:20 22:5	15:25
34:18	127:2,16	229:20	22:17	64:12
35:13,14	128:25	230:5,6	43:13,14	counterpart
36:2,3	129:9	232:17	45:13 77:1	45:24
37:15,16	130:2,9,18	240:1,17	94:16	counterp...
37:22,23	133:7,8,12	241:8,25	123:11,11	140:4
38:2,6,7	133:22	242:1,14	169:18	counties
39:21,22	134:3	243:12	180:4	50:13
40:9 41:4	136:17,24	244:1,8,9	187:18	countries
46:6 49:12	141:13	248:7	194:22	94:5,10,12
51:23	142:3,9,12	249:7	196:23	305:22,25
52:12	142:22	258:13,13	197:6	country
56:10 59:7	144:11,15	261:19,24	208:20	163:5
59:11,16	144:18,25	261:25	216:19	county 6:7
59:21	145:12,25	263:2,6,7	237:15	16:24
63:10,13	146:15	263:12	239:15	50:14,14
64:13 65:2	147:15	264:23	241:11	50:19
66:1,25	148:1,10	267:17,18	258:16	283:1
69:15,18	148:15,16	267:22,23	287:23	310:4
70:7,20	149:3,12	272:13	310:18,19	314:2
71:18 72:8	149:17	273:14	counsel's	county-
72:13	150:20	274:9	65:23 87:1	172:15
75:16 80:9	151:12	277:24	241:18	couple 41:11
80:14	155:9,10	278:9	257:3,12	78:24 84:7
81:10,19	156:4,8	280:19,20	257:14,15	132:22
81:24	157:24	283:22,23	257:17,19	217:19
84:13	158:14,18	285:1,25	257:22	290:6

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Fax: 314.644.1334

ELVIS CHAN 11/29/2022

course 13:14	237:4,11	199:1	dark 72:25	301:23
49:23	239:12	207:11	73:7	312:18
174:18	CRR 1:24	211:18,20	data 14:25	daytime
188:3	CSAC 284:7	211:22	48:25 59:9	162:22
236:1,4,5	CSR 1:24	238:12,20	114:19	DCCC 13:11
280:21	310:9	275:17	235:5	16:7
287:12	culture	276:21	276:24	173:15
court 1:1	236:14	279:1,5	date 6:10	193:11
2:4 6:16	cumbersome	283:3	166:14	deal 290:4
9:20 10:8	296:25	284:3	259:22,23	dealing
259:11	current	Cyberspace	269:17,22	251:1
271:12	55:21 60:6	159:6	271:14	290:5
310:9	60:17	cycle 26:19	300:8,8	deals 79:21
courtesy	229:1	39:20,24	313:3	Dear 312:7
58:2	235:18,23	41:7 42:18	date's	December
Cove 3:10	238:12	54:14,22	300:10	312:2
coverage	286:14	64:22	dated 4:14	Decency
229:22	currently	87:13	4:16,22,24	121:23
covered 70:6	41:20	101:17	5:7,9	decide 274:1
188:8,23	109:7	109:11	11:18	299:9
covers	238:10	134:1,2	241:20	decided
282:19	299:6	141:16	244:2	240:15
covertly	cut 291:4	143:23	292:16	decision
77:17	304:7	147:18	293:11,25	233:4
cream 182:7	cyber 8:12	148:12,14	302:25	282:20
create 60:25	39:11,12	148:15	311:9	decision...
created	45:5,5	162:5	dates 156:22	49:17
13:21 60:3	105:5,17	172:20	284:4	decision...
141:17	198:11,13	176:9	285:17	90:8
143:24	199:1	202:13	day 6:4	decisions
creating	201:19	226:21	45:17	153:17
70:10	202:7	241:6	165:4	declaration
credentials	206:25	273:18	167:25	4:20 217:1
235:6	207:13	299:21	168:15	217:15,22
crime 270:13	245:12	cycles 64:25	217:20	228:2,9
criminal 9:2	261:8	78:13	230:15	declare
9:3 111:17	276:2,22	87:17	262:24,24	314:11
163:13,15	290:6		269:10,12	declassi...
163:22	307:23		291:20	112:6
195:23	308:7	D	297:2	160:4
196:4	cybersec...	D 2:6	301:16,19	declined
269:23	16:4,14,22	D.C 2:11,17	307:16	215:6
303:17	17:2 18:16	8:21 109:3	314:13	declining
critical	30:3 43:10	183:25	day-to-day	89:15
276:23	50:16	312:4	24:23	189:2
284:8	55:10	damage	days 182:21	deem 32:19
cross-ve...	72:20	236:20	243:11	34:9,11
22:1	93:10	238:4	244:7	35:10
Crossfire	172:14	damaged	245:2	deemed 34:17
		116:5		

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ELVIS CHAN 11/29/2022

98:11	309:4,10	265:16	describes	236:21
190:6	Delaney	269:8	247:4	253:3
274:14	271:14,16	depends	describing	262:15
DEF 275:10	272:2	165:20	224:1	267:3
275:12	delay 297:3	deploy 74:8	282:22	268:10
defend 83:17	delegation	deployed	description	296:3
212:5	123:8	139:2	4:10 5:4	determined
273:3	deleted	deponent	13:4	142:5
DEFENDANT	232:16	311:5	136:22	144:22
2:9	delibera...	deposition	170:10	230:21
defendants	187:9	1:17 6:13	283:5	develop
1:11 7:10	delibera...	6:18 8:23	designed	88:12
7:17	121:17	8:25 9:1	63:17 79:5	developed
defendants'	188:7	22:24 23:2	145:19	92:9
4:17	delibera...	122:5	149:19	270:22
169:16	27:20	142:21	desired	development
defending	121:12,25	155:20	312:14	133:24
11:24 23:1	122:2,14	180:1	detail 86:11	develops
43:17	187:10	227:4	278:7	72:21
define 158:3	188:8,25	309:17	280:5	device 19:11
158:8	251:24	310:1,22	291:12	19:12
definitely	282:9,18	310:24	detailed	devices
152:6	Delynn	311:3	128:22	72:22
210:4	197:25	312:8	130:16	Devilotski
220:14	Democratic	314:5,7,10	details 88:5	44:15
definition	13:10,11	depositions	88:6,9	DHS 24:13
61:24	Democrats	9:2,3	111:10	151:11
degree 10:14	266:21	depress 79:5	166:21	152:4
10:25	department	deputy 200:8	232:5,19	170:1
87:17	2:10 3:4	200:23	detect 89:9	186:1
Dehmlow	7:8,15	201:18	114:5	218:15
109:5,21	24:11	234:23	129:25	DHS's 170:23
175:18,21	134:15	describe	133:16	278:10
176:16,21	136:4	10:11 13:1	136:2,16	DHS/Micr...
178:13	138:24	15:21	136:19,24	279:11
180:21	139:14,20	59:22	137:12	different
181:14	139:22	69:21,25	270:22	19:4,10
184:16,25	140:4	146:1	detected	23:9 34:14
185:3,10	163:21	195:5	87:8	37:21,25
186:18	217:7,24	248:10	162:24	38:4 48:17
207:22	263:10,13	301:5	detecting	48:18 62:1
213:18	263:14	described	92:19	75:12 78:7
214:18	278:18	50:8 133:9	detection	86:4 88:2
215:3	312:3	142:20	31:12 88:3	89:21
216:15	Departme...	164:5	204:22	97:20
221:24	140:8	224:19	determine	98:10
251:14	depending	230:25	14:2 33:15	99:15,16
254:14	71:21	232:9	163:1	105:5,17
281:5	190:2	249:10	217:10	112:22

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ELVIS CHAN 11/29/2022

135:23,25	direction	disclosure	discussed	193:21
137:7	207:9,10	195:3	15:25	200:2
139:23	directly	discord	54:17 59:4	203:15
164:19,19	49:19	61:12	70:20	206:21
169:4	106:19	141:20	92:11 93:3	229:10
177:12	107:9	discourse	118:22,23	249:20
200:4	158:17	34:3	119:1,14	250:10
223:12	261:24	discover	119:16,18	251:19
251:6	director	31:12	135:22	discussion
269:18	24:13	32:23	152:14	7:11,22
278:22	46:24	146:24	153:24,25	21:12
285:16,17	48:12	discovered	154:8,10	82:23 83:2
306:22	124:2	27:10 31:8	154:15	105:11
differen...	152:8	199:10	156:9,21	121:1
299:22	234:24	discredited	160:10	128:14
differently	246:3	142:17	172:3,6,13	129:10,20
228:14	275:5	discuss	177:23	130:25
294:21	292:10	13:19	178:3,5	131:2
299:8,10	293:6	15:22	180:20	150:22
299:15,17	director...	90:16	181:15	184:19
difficult	44:18	91:23	182:10,17	187:24
9:20	123:10	92:18	188:2,13	256:21
difficulty	DiResta	121:19	202:7	282:12
82:24	51:21,24	135:19	206:23	292:12
141:9	51:25	141:11	207:18	297:11
digital	53:12 85:6	151:7	209:16	302:18
84:23	85:11	152:15	212:4,19	308:12
direct 14:3	disagree	154:11,12	216:11	309:8,15
14:25 21:6	68:14	179:10,25	225:6,24	discussions
21:7 28:25	disappear	185:10	228:22	55:5,14
77:15	81:24	187:5,13	229:19	58:10 91:3
128:17	297:24	189:18	239:5,9	117:23
141:7	disappears	191:24	246:13	124:17
144:2	82:3,4,20	203:6,10	247:11	180:16
181:9	83:10	206:3	254:18	187:17,18
217:21	disapproval	208:16,17	255:6	187:20
227:7	62:22	209:6,15	267:14	188:3,12
246:3	disclose	210:13,16	277:10	226:3
293:7	21:7	211:14,18	279:22	233:9,10
297:5	200:20	226:7	282:16	247:15
directed	202:20	229:11	285:7	251:25
14:14	disclosed	240:2	290:11	252:2
15:11 52:6	20:20	251:15	291:11	255:1
52:8	21:10,14	280:23	discusses	282:10
directing	21:23,25	282:5	29:21	290:25
128:20	disclosing	283:5,7	discussing	disinfor...
143:17	97:13	285:11,11	91:15,20	11:4 45:3
146:17,18	111:10	286:8,23	154:3	45:9 46:13
158:19	121:16	294:14,19	191:12	46:21

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ELVIS CHAN 11/29/2022

				E
47:20	306:24	194:21	DOJ 163:12	E 2:1, 1 3:1
48:23 52:7	disliked	195:22, 25	164:5, 24	3:1
52:25 53:2	66:16, 18	196:5	171:6	E-l-v-i-s
55:8 60:5	disliking	198:8, 15	197:23	8:9
60:8 79:21	62:15	198:19	200:8, 23	earlier
94:6	64:18 65:6	199:17	267:6	11:17
105:20	67:19, 23	257:22	268:9	31:15 47:7
106:15, 23	disseminate	258:4, 10	DOJ's 201:19	59:2 68:22
107:17	225:19	docket	domain 30:6	80:22 84:8
108:23	255:21	194:16	51:4	86:4 89:18
141:20	dissemin...	document	domestic	89:23
153:25	127:1	11:7 28:20	111:14	96:21
154:4, 8, 9	223:3, 11	59:20	138:4	99:17
154:18, 20	225:5	103:20	161:17, 24	112:10
154:22	298:18	104:21	162:4	115:5
156:9, 12	dissemin...	196:18	Dorsey	122:20
156:15	256:17	216:24	116:25	128:1
159:2, 17	296:18	218:10	131:24	136:14
159:20	distribu...	242:8	doubt 228:11	142:21
161:17, 17	232:6	256:4	download	156:4
161:23, 24	District 1:1	274:11	99:11	171:22
162:4, 17	1:2 6:15	289:20	dozen 16:12	173:25
163:2, 5	6:16, 19	291:21	62:8	180:17
167:17	diverse	292:7, 14	110:18	214:11
168:17	158:6	292:19	dozens	230:5
201:17	division 1:3	293:18, 24	101:19	243:8
262:3, 6, 12	6:17 7:9	293:25	drafted	267:15
262:20	7:16 8:13	305:7, 15	145:4	269:21
263:5, 15	8:15 171:7	306:1, 8, 9	drive 77:19	283:13
263:17	200:9	documented	78:1, 22	284:25
264:22	207:1, 12	289:13, 16	229:25	287:24
265:1, 2	207:13	290:21, 24	driving	293:1
268:25	234:24	292:3	78:16	306:18, 20
270:8, 16	238:1	documents	208:15	308:14
273:10, 13	303:17	194:8, 14	Dublin 45:25	early 89:19
273:19, 21	divisive	243:19	due 20:2	237:8
274:20	61:16	247:6, 12	150:8, 13	earth 191:16
275:21	63:20	247:20	205:9	293:15
277:5, 7, 9	72:11	256:9	duly 310:7	easier 51:16
279:11	73:24 74:6	305:4, 5, 6	310:15	Easterly
283:9	74:7	doing 35:23	dump 172:8	274:23, 24
284:9	divulging	36:16 51:1	dumping	274:25
285:7, 14	174:5	70:1 115:3	13:13	275:20
285:23	DNC 16:7	119:2, 5, 7	Dunlap 1:24	ECs 290:14
286:6, 9, 16	172:25	120:17	6:6, 21	290:15, 19
305:16, 18	173:16	157:1	310:6	291:13, 22
305:19	178:11	172:9	duped 142:7	educational
308:8	193:1, 11	244:11	DVDs 298:7	10:11
disinfor...	193:16	272:4, 5	298:10	

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ELVIS CHAN 11/29/2022

effect 158:9	election	219:4,11	260:11,16	199:4
158:15	4:13 13:14	219:15	elections	290:14
173:13	16:11,24	220:1,7,19	11:4 12:5	elements
187:4	19:9 26:19	221:11	18:18 20:1	126:20
190:9	39:16,20	222:1,6	26:21 27:9	159:16
215:5	39:24 40:6	226:21	31:6 37:14	Elvis 1:17
255:18	40:19,22	240:8,15	37:15	4:4,14,16
310:11	41:1,3,7,9	240:25	38:16,21	4:16,24
effective	42:18	241:6,25	40:3,7,8,9	5:7,9 6:14
64:5 88:17	54:14,22	243:11	40:11,13	7:21 8:1,9
88:21 92:1	56:14,16	244:8,19	40:15	20:24 62:3
effectively	56:20 57:2	245:2	41:24	113:11
29:9 35:17	57:9,14	251:16	45:18	114:4
36:1,5,13	64:22,25	256:16	46:16 50:6	269:16
effects	78:4,13	259:17	55:4,20	280:22
157:15,18	87:13,17	260:5	85:19	309:17
158:1,4	109:11	261:17	131:16	312:8
effort 10:7	141:16	262:7,24	135:3	313:1
86:21	143:23	262:24	151:1	314:4,19
198:17	147:18	263:16	152:21	email 4:15
efforts 4:12	148:12	265:12	155:2	4:15 5:8,8
64:4,4	151:10	266:10,17	161:19,25	27:12 30:5
172:14,15	152:16	269:10,12	162:18	89:4 98:25
eight 101:22	154:16,17	270:1,2,11	167:23	99:4,4,7
219:16	156:21	270:13	192:5	99:10,21
220:6	162:5,12	273:18	200:14	196:25
234:11	162:14,14	283:2	201:11,18	197:3,7,18
EIS-GCC	163:2	284:12,16	203:21	197:22
284:14,14	164:21,25	285:16	204:1	198:4
either 25:17	167:18,20	286:10	205:14	199:3
26:5 44:17	167:22,25	288:19,21	208:24	200:7
53:25 60:4	168:15	289:7	220:15	241:10
60:19	170:22	293:13,14	229:2	242:20
78:15 98:7	171:18,19	294:7	244:15	258:15,20
103:10	172:1,16	295:3,4,6	245:14	259:10
118:24	172:20	295:11	246:15	271:2
119:6	173:9	296:21	253:7	282:2,4
120:24	192:11,14	299:23	255:20	291:3
136:19	192:21	301:20	257:25	292:21
180:23	199:21	306:14,17	262:21	293:11
191:21	200:2	307:3,6,6	272:3	294:4
194:5	201:8,23	307:11,14	288:14	296:22
239:9	202:12,15	election...	298:19,23	300:5
250:15	203:12,24	167:17	299:18,23	302:24
263:19	205:13	168:11	300:21	303:3,4,20
282:4	208:19	262:11	307:1,20	306:11
286:15	212:10	286:6	electronic	emailed
287:10	217:20	Election...	19:11	169:22
296:21	218:1	259:7	30:10	216:19

ELVIS CHAN 11/29/2022

287:23	encrypted	107:16	entire	estimation
emails 46:2	295:14	116:18	165:19	134:5
187:21	ended 232:1	133:21	222:4	136:18
194:14	endorse	144:23	entitled	139:1,2
196:20	139:25	engaged 52:3	22:4 170:4	228:21
197:11,19	endorsed	52:23	170:7,14	et 1:6,9
229:24	139:24	135:3	278:4	259:6
287:25	Endowment	146:17	environment	312:5,6
288:2,5	142:5	150:25	61:13	313:2,2
289:13	energy	151:3,5,7	envisioned	European...
embassies	276:25	257:12	159:14	143:6
136:5,6	enforcement	272:17	160:2	145:24
139:6,7	20:19	engagement	equal 110:24	Europeans
embed 276:1	21:17,18	15:3,8,15	equip 35:4	145:21
emceeing	23:15	18:7 61:19	equipped	evaluate
25:18	49:20	61:22,25	133:20	33:21
26:15	94:17	62:2,5,7,9	equivalent	event 149:22
Emily 44:15	97:11	62:13,16	63:1	194:19
employee	111:8,14	63:9,15	errata	events
74:6	137:21	64:24 65:4	312:10,14	125:21
151:24	138:4	65:5,8	312:17	229:1
233:19,20	174:2,5	71:3,6	313:1	eventually
263:19	188:10	78:16,22	erroneous	41:10
310:17,19	189:1	80:22	164:17	127:5
employees	193:20,25	81:10	especially	evidence
44:23	194:11	83:22	10:6	14:16
70:17	195:1,6,11	84:10 85:2	192:21	43:20
71:14	195:14	85:22 86:5	256:15	74:22
75:10	199:23	134:11,14	ESQ 2:6,6,7	76:22 82:1
77:17	200:18	134:25	2:12,12,18	144:5
106:2	201:25	137:6	2:23 3:6	298:7
108:25	202:17	142:20	3:11 312:4	evolved
118:13	215:18	237:8	essentially	143:23
136:5	218:25	257:18	63:3 64:11	exact 150:14
140:3	221:4,8,15	engagements	104:24	182:18
151:23	270:9	64:6 67:13	146:7	214:22
160:9	283:25	engaging	173:4	247:14
177:1	294:9	30:22	176:1,2	288:8
209:11	enforcing	126:24	232:1	exactly
233:11	43:23	engineering	establish	88:10
235:18,18	49:11	10:15	158:25	134:12
enclosed	90:25 91:1	enhance	established	141:14
312:8,9	153:16,17	77:19	134:14	171:16
encompass	engage 61:7	ensure 127:7	establis...	173:2
12:15	61:17	127:21	161:2	209:19
encouraging	63:20	152:20	estimate	222:13
261:21	70:11	entail 60:9	100:18,19	232:9
262:9	72:12	entails	100:21,22	237:7
263:4	94:25	111:18	113:20,22	239:1

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ELVIS CHAN 11/29/2022

248:13	executed	226:6	expressing	123:20, 22
307:4	251:13	expectat...	82:11, 13	123:25
EXAMINATION	314:13	36:24	extends	124:1, 4
4:1 8:6	executive	225:23	121:12	125:18, 18
308:13	111:24	expected	extent 18:20	128:11, 21
examine	121:13, 13	163:18	50:24	130:15
127:6, 20	executives	201:22	56:22	131:12
examined 8:4	131:14	219:1	199:24	134:8
12:3, 5, 8	exercising	220:17, 21	232:8	147:10, 13
310:14	118:15	222:25	236:19	147:17, 24
example 10:1	exert 132:24	223:9, 14	238:4	148:20
13:9 19:6	exhibit 11:8	224:9, 23	249:5	151:10
31:3, 18	11:10 28:9	226:24	extract	152:17
60:12	141:7	227:2, 4	86:18	210:22
65:13 67:6	169:4, 9, 11	301:12	199:2	211:3
67:10 68:1	169:14, 19	Expedited		213:14, 15
80:5, 13	169:21	4:18	F	214:4, 17
82:21 83:8	196:14, 17	experience	F-a-r-e-e-d	216:2, 14
88:11 89:1	196:18	74:13	58:14	233:22
93:11	197:8	79:20 95:6	F-a-r-i-d	234:1
100:18	216:18, 18	95:17, 18	58:14	241:5
112:10, 10	216:22	113:4, 5	F.2d 194:3	242:14
113:24	234:9	114:19	face 67:4	246:14, 18
264:2, 9, 11	241:10, 12	125:6, 25	69:10	246:22
264:19	241:14, 15	131:23	Facebook	248:18
265:7	258:24, 25	134:22, 24	12:8, 18, 19	252:21
269:4	259:3, 10	151:4	17:23	253:15, 15
276:24	271:1, 4	168:2	23:25	253:19
277:1	277:12, 16	203:16	41:25 44:3	254:22
285:15	287:20, 23	268:13, 14	44:12, 23	255:13
286:10, 12	exhibits 4:8	experienced	45:2, 11	280:2, 11
examples	5:1 258:16	118:14	49:9 54:9	286:2, 5
64:14 89:7	exist 290:15	Expires	54:10, 20	308:17
227:19	290:19	314:23	55:6 60:14	faced 131:12
exception	292:4	explain	60:15, 25	facilitator
25:3	299:6	88:23	62:18 63:2	24:10
exceptional	existing	99:25	66:4 74:2	26:21, 22
23:8	60:6, 22	explanation	76:4 80:15	fact 11:8
exchanged	71:17, 19	100:1	80:18	15:2 35:15
46:1	75:11, 13	explored	81:24 85:9	145:23
exchanges	195:19	122:8	85:21	148:11
96:3	196:1	expose 37:20	86:16	151:4
exclusively	exists 299:5	37:25 38:4	91:11	164:11
100:9	expanded	express	102:12	195:9
Excuse	155:7	62:21	110:23	203:3
184:14	expect 23:9	207:24	112:19	208:8
execute	172:18	221:1	118:11, 12	217:17
252:4	expectation	expressed	118:12	226:2
294:11	221:9	212:15	119:10	232:5

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Fax: 314.644.1334

ELVIS CHAN 11/29/2022

237:24	70:4,10	57:16,20	183:2	257:4,9
241:23	71:25 72:5	58:1,21	185:12	259:7
247:23	73:25	79:20 97:7	186:10	260:11,15
256:3	74:11 95:2	98:12 99:2	187:1,20	261:9
285:5	144:1	99:11	187:24	263:19,20
305:2	251:7,9	105:22	189:17	266:11,12
factor 132:9	fall 41:11	106:21	190:5	267:4,5,5
factors	falls 282:8	108:21,24	192:3,9	267:7,9,11
88:13	false 163:23	109:22	197:25	267:13
157:14	270:10	110:6,6,25	198:11	268:8
facts 43:19	familiar	111:13	200:3,6,24	272:4,5,16
74:22	18:8 56:11	119:23	201:5	273:24
76:22 82:1	67:21	120:2	206:21	276:1
144:4	111:16	131:6	207:1,6	280:14,22
175:2	112:22	138:13	208:19,22	280:25
fair 30:15	169:23	139:9	209:11	281:8,10
33:10	210:6,8	142:23	211:13	281:22
41:12	216:21	143:1	212:23	283:7,21
49:21	232:5	144:8	213:16,19	285:19
52:11	236:9	146:12	214:5,23	286:19,21
62:13,14	256:22	147:24	215:5,6,11	287:9,9
62:16 63:3	295:13	148:6,7,9	215:14	289:18
64:7,19	fan 275:6,7	148:23	217:25	290:13
66:5,9,16	far 171:18	149:24	218:16	291:23
68:15	174:1	150:9	221:9,14	294:10
73:15 74:2	Farid 58:11	151:11,15	221:16,19	295:20
75:15	farms 31:13	151:20	224:14	296:16,17
85:23	31:19	154:4,11	227:6,21	296:20,21
101:3,4	fashion	156:24	231:17,21	297:6,12
102:13	296:24	159:11	232:23	297:14
104:8	fast 10:6	162:12,16	233:1,11	298:2,9,12
114:10	FBI 8:15,16	162:20	233:18,20	298:15,18
115:6	16:1 17:19	165:2,3,5	233:24	299:19
132:4	17:22	168:9,13	234:1	300:21,25
150:2	24:15,18	168:16,21	236:14	301:2,2,5
191:7	24:22,22	169:1	237:14	301:7,15
197:21	25:4 29:19	172:9,10	238:8	301:15,17
220:1	30:21	172:23,24	243:8,16	302:12
227:2	31:24 32:4	175:15	244:5,10	303:10
249:1,2	32:13,16	176:22	244:11,14	308:25
255:11	34:8,12,17	177:8,9,18	245:8,12	309:6
260:24	35:2,22	178:7,10	245:16,23	FBI's 24:16
fairly	36:22	178:12,17	246:22	34:1,15
142:20	39:14	179:7,14	250:1,3,11	100:1
fake 13:20	50:12	180:18	250:23	164:25
13:23 14:4	52:10 53:8	181:4,5,9	251:6,20	170:24
14:13,19	53:10	181:13	251:20,25	263:8
15:4,15,17	54:12	182:8,13	254:13	295:17
32:23 60:3	57:12,13	182:15	255:12,17	FBI-led

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ELVIS CHAN 11/29/2022

177:24	24:22 39:8	264:10	163:22	300:17
FBI.gov	39:11 53:9	files 21:18	181:12	301:5
262:25	53:11 58:2	99:11,12	183:17	FITF's 36:4
263:6,8,16	98:11	193:22	184:4	36:10
265:3	104:22	194:1	194:12	FITF-Global
266:19	105:1	filing	195:19	303:24
268:5	107:5,13	312:19	197:7	FITF-org...
featured	107:18	financial	209:24	181:9
161:18,25	108:16,20	115:12	210:4	253:19
Fed 310:11	110:11,12	financially	219:22	five 97:18
310:15,20	110:14	310:20	230:8	98:21
311:1,7	162:16	find 60:16	231:22	100:23
federal 7:9	163:8,9,10	72:11	275:2	101:8
7:16 8:13	163:17	73:23 74:6	277:17,25	123:14
16:25	164:20	86:10	278:2	148:12,13
17:16 18:1	168:13,13	103:12	288:18	175:6
18:6,11	177:9,10	108:12	310:15	305:4,5
57:7,10	181:4	113:25	first-order	fizzled 64:7
80:9	201:1	138:3	157:18	flag 22:25
111:15	259:17,20	199:7	158:1,3,8	90:4
152:18,19	261:12	204:23	158:15	113:18
216:6	264:15,17	254:23	FITF 24:17	136:20
218:25	265:16,19	312:8	36:9 44:6	146:16
220:16	266:6,23	finding	109:3,6,8	164:22
221:4,8,15	266:25	214:11	109:16	286:11
221:23	269:15	finds 29:4	151:22,24	306:24
233:3,9,17	Fifth 194:3	72:22	162:8	307:19,21
263:13	Fighting	fine 23:11	177:24	flagged 90:7
269:25	4:11 11:3	95:25	181:3	90:12
270:2	figure 66:22	fine-tune	182:13	100:20
280:15	79:1,1,9	103:21	183:24	101:16
285:10	80:6,13,15	finished	184:23,25	114:10
286:20	81:13	194:13	185:1,2,21	144:9
feedback	90:17	FIRM 2:21	187:5,17	146:12
7:12	149:13	first 4:15	189:25	147:24
113:14	235:22	4:18 5:8	190:17,19	148:9
274:21	264:15	8:25 9:1,7	190:24	163:16
feeds 84:4	265:16	11:15 13:7	204:9	166:9,23
feel 73:9	file 30:6,10	19:17	207:17,18	190:18
226:25	30:10 99:1	29:20	213:11	191:3
feels 210:8	259:7	39:18	216:13	211:7
227:1	289:19	53:20 70:3	223:19	222:2
felt 116:5	292:2,3	120:4	253:15	228:25
118:2	295:17	122:6,10	281:4	229:4,7
120:7	300:11	128:15	287:10,11	265:10
122:22	302:14,23	132:15	289:25	307:3,5,14
291:16	filed 6:15	136:12	291:13	flagging
fend 50:19	194:16,18	139:4,11	293:2	101:3,24
field 16:8	196:21	148:4	297:19	159:22

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ELVIS CHAN 11/29/2022

floating	152:25	247:8	197:24	224:12
69:8 82:6	159:5	250:16	199:6	255:14,16
82:6	footnoted	256:1,2,9	264:16	255:17
focal 159:1	65:22	273:10,18	found 62:4	Framework
focus 13:16	footnotes	290:3,12	85:12,14	126:20
17:19 29:3	129:5	290:25	89:22	framing
34:23	force 24:16	296:1	147:3	247:14
59:14	38:23 39:7	303:13	214:13	Francisco
94:12	110:8	306:25	229:25	6:7,20
104:16,19	127:5	308:9	foundation	8:12,15,18
161:16,23	170:24	309:1	18:3,14	24:18
focused 16:3	184:22	foreign-...	24:2 30:16	105:1
134:17	207:2	143:15	30:24	106:18
138:5	250:16	foreign-...	32:15	107:3,5,13
154:3,4	276:2	138:25	33:11 34:5	107:18
185:25	303:14	foreign-...	34:19 35:6	108:20
211:22	309:1	36:11	36:7,19	119:23
238:11	310:11	foreign-...	42:7	128:4
focuses	forced	133:17	114:16	135:4
17:21	127:19	270:23,25	117:11	165:2,4,5
59:20	foregoing	foreign-...	133:13	168:9,16
Focusing	310:23,24	98:16	138:20	168:21
105:20	314:5,12	99:13	153:21	177:2,9
folks 293:13	foreign	foreign-...	155:7	181:5
303:5,23	24:16	113:1	171:15	198:12
306:12	38:23 39:6	foreign-...	172:21	201:5
follow 103:7	39:9 46:13	42:16 51:1	212:25	267:9,13
104:3	47:19	foreigners	213:23	268:10,13
163:18	48:23	145:16	233:7	268:15
165:16	110:7	foreshad...	four 97:4	276:2
269:15	111:23	71:14	101:13	287:10
279:12	129:3	forgot 171:6	107:20	296:17,21
follow-up	131:4	form 61:21	147:22	298:12
17:4	133:7	63:8 160:6	148:8,14	301:3,17
250:18	134:17,20	314:6	150:6	310:4
followers	134:22	formation	173:24	Francisco's
74:8,11,12	136:2,17	16:22	184:5	25:4 50:13
74:14	138:5	former	207:20	58:1
following	140:5	235:23	210:24	162:12,20
38:11	161:2,3	forms 63:14	frame 19:21	169:1
51:10	163:3	65:4	60:18	272:16
108:12	170:24	forth 134:8	89:20	frankly
181:21	184:21	156:2	120:6	94:23
242:9	187:3	272:24	130:12	fraud 268:17
follows 8:5	207:1	forthcoming	192:15	free 126:19
footnote	219:9,24	192:23	205:23	126:23
77:23	225:4	291:17	237:4,9	freelance
80:11	242:4	forward	307:17	142:1,6
127:10,25	243:21	28:21 41:7	framed	145:8

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ELVIS CHAN 11/29/2022

freely	287:2	283:15	232:4	71:12
120:22	308:10	287:3,3	239:22,23	72:10
127:1	309:14	291:2	295:19,20	73:23 76:7
frequency	fusion 159:1	296:9	Ghana 31:14	76:19 80:3
18:8	future 127:8	298:1	Giannini	83:5 87:2
frequent	127:21	299:23	181:22,24	96:11
166:21	195:7,7	301:14	183:16	106:5
269:7		307:22,22	184:20	127:3
288:25	G	General's	185:1,6	130:14
frequently	G-i-a-n-...	2:4 7:3	207:23	131:11,25
50:12	182:2	generali...	254:15	140:10
57:18	Garcia	111:10	281:5	142:4
95:15	276:15	generality	give 21:24	152:22
101:12	gather 70:11	121:16	34:16	155:4
109:16	111:25	generally	60:11	159:12
110:16	112:3	11:21 13:8	65:12	167:4
178:4	gearing	15:21 18:6	96:21 97:7	169:20
210:25	171:25	19:2 55:9	108:3	176:5
244:12	GEC 134:16	56:15	179:2,20	180:8
271:24	GEC's 138:15	69:21	179:24	234:13
Friday	general 15:6	87:11	180:2	244:3
162:14	15:18	94:22	241:10	258:23
167:22	30:20	97:15	259:16,18	261:2,16
301:17	56:20	121:22	265:6	261:23
front 28:10	61:11 65:8	170:8	277:1	262:1,23
51:15	72:17 90:3	190:19	303:1	272:19
81:15	95:12	232:4,5	given 8:23	287:13
116:23	97:17	235:15	9:3 53:22	288:24
117:1	100:4	253:22	150:2	294:20
128:2	102:3	280:1	202:1	295:1
131:25	121:20	287:2	243:16	300:3
frontline	140:6	289:8	245:17	301:10
257:8	157:4	generate	246:7	304:14
full 100:17	187:19	60:8,19	291:7	goal 36:4,10
101:2	188:12	75:1	311:1	61:4,14
135:8	192:20	generated	giving 35:1	goals 86:24
183:22	195:13,16	60:4 70:17	53:25	goes 32:9
310:10	201:3	72:17 73:6	271:19	220:25
function	202:8	73:10	Glen 3:10,10	222:23
43:10	204:18	74:19,24	global	225:23
62:21	207:6	75:9,24	134:11,14	229:21
function...	212:13	generating	134:25	231:25
298:3	217:11	95:2,2	137:6	259:7
functions	237:15	gentleman	303:14	going 21:20
202:1	238:20	303:8	305:19,21	28:14 37:1
funded 276:8	239:15	getting 64:5	go 9:5 15:4	37:3 38:8
further 68:8	248:12,14	113:13	22:8,19	38:11 41:2
199:12	254:18	190:3	28:21 31:1	41:6 51:7
250:23	282:14	197:1	31:2 52:16	51:12 67:1

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ELVIS CHAN 11/29/2022

84:3 94:18	41:25	284:13,17	291:18	243:10
97:10	46:19,20	governme...	groups 209:2	257:22
120:10	47:4 49:9	12:9 37:9	GS-10 110:1	258:4,10
121:11,24	118:11,12	37:12	GS-14 106:13	hack-and...
126:2,5	118:13	269:24	151:17	13:8 16:3
140:7	119:11	governments	177:1	39:15 59:5
157:6	123:20,22	219:9	GS-14-level	172:3,9,19
169:3	125:5,11	grade 109:25	106:2	173:1,6,12
178:24	131:13	177:1	GS-14s	173:15
180:2	152:24	graduate	107:10	174:25
188:23	210:23	10:18	108:16	175:1,11
189:15	286:2,4	graduated	109:25	175:16,19
190:10	Google/Y...	10:13,16	GS-15 109:24	176:11
193:19,24	110:23	grand 147:12	152:2	177:22
194:19	government	grants 16:25	guess 29:2	178:3,20
196:12	4:12 11:5	16:25	50:7	187:3
200:17	15:20,22	172:14	171:21	189:5
201:3	15:24 17:7	graphic 67:2	297:21	208:10
202:16	21:10,14	Graphika	305:17	210:17
203:8	22:2 23:16	14:24	guessing	211:15
216:17	23:18 24:7	144:21	9:14	307:25
217:21	29:9,18,25	145:2,6	guidance	hack-and...
225:8	35:17,21	Great 242:23	50:17	178:6
235:16	37:19	ground 9:6	298:2	hack-and...
241:9	61:11 80:9	136:6	Gurzhiy 6:22	172:4,19
242:7	111:15	grounds	guy 303:25	180:19
248:2	121:14	121:25	guys 23:3	181:6,15
258:15,23	122:4	122:14	94:20	182:9,16
259:8	150:25	163:25	113:14	185:11
260:7,11	151:2	188:24	254:21	186:6,16
260:16,19	152:18,19	193:20		187:2
261:4,5	155:6	199:23	H	188:5
271:1	156:17	201:24	H-a-n-i	189:19
272:1	158:24	202:17	58:13	190:7,12
276:9	159:15	group 18:24	hack 13:10	191:1,13
277:12,20	161:9	19:13	172:8	191:17,24
282:21	170:9,21	23:22 26:9	178:11	192:4,6,8
287:22	176:7	27:15	193:10,16	192:11,18
293:9	191:20,23	44:12	195:25	192:20,23
299:24	191:23	45:16	196:5,7,9	193:1
good 6:9	211:9,12	46:24	198:8,19	194:21
48:8 77:7	216:7	47:21	199:17	199:20
211:19	218:12	48:12	206:12	200:16
272:8	222:4	155:15	225:10,13	201:22
295:23,24	233:4,17	190:11	225:18	202:15
Google 12:7	235:17,18	254:12	235:1,2,3	203:11,20
12:11,14	235:19,23	277:11	235:4	203:23,25
17:23	236:23	284:18,21	239:9,18	204:16,20
23:25	278:22	287:5	240:5	205:3,16

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ELVIS CHAN 11/29/2022

205:20	208:12	268:4	186:12	23:15
206:22, 24	hacking	276:5	217:4	152:17
207:8	13:12	happened	278:13	162:13
208:1, 6, 18	43:17	18:1 19:25	308:4	help 27:15
208:23, 24	50:20	97:3 101:8	head-shakes	88:24
209:4, 21	55:13, 13	117:3, 3, 4	9:24	helpful 22:6
211:5, 10	212:5	117:5	heading	31:5
211:15	223:1, 3, 15	173:22, 24	279:17	helps 103:21
212:9	225:4	174:9	302:19	herder 72:21
219:1, 10	230:24	194:10	headquarter	hereto 311:7
219:20, 25	238:19	229:14	267:12	Hey 62:3
220:18, 22	240:2	248:21	headquar...	103:15
220:24	250:12	253:11, 12	24:25 25:3	104:4
221:10	258:12	253:12	25:5, 6	131:7
222:16, 18	273:2, 3	266:16	169:1	214:19
225:24	290:25	272:12	headquar...	227:17
226:4, 8, 18	hacks 59:13	275:11	8:20 38:15	247:17
227:10, 10	223:20	299:21	57:17, 20	252:17
228:7, 17	224:9, 11	happening	58:21	266:20
228:24	224:15	171:17	98:12	high 2:5
229:17	238:21	229:1	162:17	32:22
239:6	half 19:18	282:3	164:25	59:22 64:5
244:6, 18	19:20	happens	168:14	64:10, 10
245:1, 9	28:22	76:25 82:3	198:23	66:3 80:21
246:19	225:1	82:12, 17	267:4, 5	80:24
247:18	Hammell	83:8, 11, 25	268:8	83:22, 23
248:24	197:25	84:5 87:7	298:3	84:9
251:16, 21	hand 258:1	97:17	301:6, 15	110:18
255:19	handle 248:3	98:18	303:18	112:25
256:15	248:6, 16	103:17, 19	heads 10:3	113:3
282:5, 6	264:20	263:15	306:12	160:11
hacked 176:7	265:23	304:5	heads-up	243:18
198:15	270:24	happy 169:4	99:4 108:3	245:19
204:23	handles	hard 229:25	hear 23:11	247:5
205:8, 25	305:21	harder 78:12	24:17 83:3	255:10
211:21	handling	harm 297:3	95:24, 25	high-level
215:16	248:12	Harold 47:12	128:7, 18	30:12, 20
225:14	Hang 169:10	hash 30:6, 9	169:5	62:9, 13
248:1, 6	Hany 58:11	30:10	270:7	higher 15:14
249:13, 23	happen 19:3	Hat 275:10	heard 120:3	71:6 90:8
250:25	42:19 78:7	275:12	207:2, 3	110:24
251:11	97:7, 16	hate 264:3	279:4, 6	128:20
252:18, 22	101:11	head 45:17	hearing	134:4
252:25	127:7, 21	47:21	82:25	146:1
253:2, 4, 24	160:14	48:24	95:25	160:11
254:23	171:12, 14	53:23 54:2	141:9	263:22, 22
255:22	173:22	109:5, 7, 15	hearings	263:25
256:17	192:18	110:15	125:24, 25	highest- ...
hackers 59:8	225:11	166:11	held 6:18	109:22

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Phone: 1.800.280.3376

Fax: 314.644.1334

ELVIS CHAN 11/29/2022

highlight 19:3,8,9 240:17 242:15 274:15 286:14	host 24:9 hosted 39:4 151:10 218:12 246:14,17 246:24	Hunter 212:24 213:6,8,9 213:17 214:6,24 215:12,22 215:25 216:5,11 227:11,25 228:7,17 228:22 229:4,10 229:17 230:1,9,16 230:17 232:7,24 233:5,24 234:2 243:25 252:14 253:8 308:15,23 309:11	idea 66:17 77:25 148:20 215:20 250:3 267:19 279:13 284:10 304:2,4,11 305:13 identical 279:21 identifi... 11:11 169:12 196:15 216:23 241:13 259:1 271:5 287:21 identified 78:25 81:22 100:14 113:15 143:15,19 273:19 277:24 292:9 identifies 32:13 76:15 96:5 99:13 265:21 identify 98:15,15 158:16 273:11 identifying 96:25 identities 86:22 178:25 179:6 identity 292:9 IIFA/FAR... 251:8	illegal 93:14 illustra... 31:4 image 80:19 images 75:3 impact 240:12,20 240:21 impacted 120:25 impactful 201:4 impede 36:5 impeded 29:10 35:18 impeding 36:1,13 impending 192:24 impetus 205:15 implicate 199:25 implicates 27:20 111:7 important 37:18 improve 17:1 improvement 294:15 in-person 20:7 236:7 inaccurate 261:22 inapplic... 21:19 inauthentic 34:2,18,22 90:13 92:24 93:21,22 93:23 95:2 95:14 111:5 112:16 126:25
highlighted 37:10 51:22 55:24 75:12 161:20 295:24 highligh... 29:2 141:24 260:14 292:20 295:23 highly 64:5 Hillary 67:3 69:9 hire 141:25 276:8 hired 143:24 145:8 hiring 276:9 history 235:5 hit 64:8 hoc 44:20 HOFT 2:20 hold 7:13 holder 265:17 310:8 homeland 10:17 24:11 217:25 278:18 honest 69:5 honestly 149:21 240:11 268:21 299:13 hopefully 126:6	hosting 26:7 hot 164:14 293:14,15 294:7,10 294:17,22 295:4,5 hot-button 60:17,24 227:23 229:13 hour 6:4 77:3 110:4 234:11 hours 301:16 307:10 house 44:14 79:24 116:11,15 117:24 housed 161:13 291:23 Howard 77:24 HPSCI 80:11 116:2,9,9 116:11 118:8 119:6,8,17 127:10,12 huh 269:13 huh-uhs 9:25 human 45:14 71:25 72:6 74:5 85:16 87:22 89:24,25 90:10,25 91:8,14,19 hundreds 64:16 93:12 101:5,7,18 112:12	Huntley 46:25 47:2 47:3 125:9 hurdles 254:8,11 Hurricane 237:4,11 239:12 hypothet... 76:9,21 250:7 252:8,11 265:6,20 268:3,20 hypothet... 250:2 251:2 <hr/> I <hr/> I&A 24:12,13 278:13,15 278:16,24 281:24 i.e 71:15 ice 182:7 iCloud 42:17		

ELVIS CHAN 11/29/2022

129:25	145:4	84:25	207:19,20	influence
136:17	152:24	118:1	210:20,25	4:13 13:16
137:12	156:11	122:22	211:24	13:19
138:18	170:22	indicates	212:2,4	24:16
146:7	254:4,13	66:2 80:17	222:25	29:10
157:19,21	280:1	85:7 243:3	223:9,14	30:22
158:21	includes	indicating	223:16,19	35:18 36:1
159:22	18:24	87:3	258:9	36:5,13
160:19	49:23	indicators	277:6	37:13
incentive	50:13 96:5	30:2,4	281:4	38:23 39:6
115:12	96:24	42:14	Indraneel	39:10
incident	109:2	50:21 51:3	2:12 7:7	46:13
101:16	142:6	99:15,17	7:14 37:3	47:19
216:12	157:22	99:17,22	38:10 51:9	48:23 59:3
include	204:6,9	99:24	58:25	59:18,23
12:19,21	including	100:3,14	84:18	63:15
12:22 14:7	61:6 133:4	100:19	242:8	70:22
30:4 36:12	134:22	101:2,16	258:17	110:7
36:16	142:1	101:24	271:2	126:16
47:12	145:9	199:2,3	299:25	129:3
57:12	188:10	306:13,19	312:4	131:4
71:22	195:7	indicia	indranee...	133:7
79:23	223:4	199:4,7	2:13	134:20,23
118:10	225:5,15	306:22	induced	136:3
123:9	307:7	indicted	145:10	157:16
130:20	incomplete	196:2,11	industry	158:2
135:25	268:2	individual	18:24	161:2,4
140:3	incorrect	84:4	19:13 26:9	170:24
146:23	17:11	200:20	27:8,15	184:22
155:3,7	increase	204:10	30:4 72:20	207:2
156:22	40:3	209:24	155:15,20	242:5
157:18	288:21	211:19	156:3,10	250:16
159:21	Increased	216:3	170:10	256:2
164:16	288:19	276:14,16	172:18	290:3,12
165:17	increases	303:21	217:25	296:2
175:18	115:13	individuals	220:11	303:13
181:5	independ...	25:9 26:4	228:5	308:9
184:24	205:22	47:9	231:16	309:1
212:20	INDEX 4:1,8	106:20	275:18	influencing
226:13	5:1	135:14,15	industry...	34:3
227:16	indicate	135:17,20	155:21	inform 49:17
231:17	15:1,14	146:11	infects	99:1
244:17	117:24	152:5	72:23	250:22
249:9	204:14	153:10	infer 118:17	informal
274:16	215:6	183:2	132:1	160:11
283:11	252:21	185:7	inferred	information
included	312:13	195:25	119:13	13:13
24:20	indicated	196:8,10	inflamma...	16:17,19
119:21	79:19	207:14,17	60:25	16:19,23

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ELVIS CHAN 11/29/2022

17:7,14,15	111:1,19	261:19	264:18	43:9,16
17:18,22	112:7,23	264:17	304:2	44:11
17:25 18:9	112:25	265:14	initials	45:12,15
18:9,17,21	113:12	266:3,8	303:9,21	45:17 46:8
18:22 19:1	114:5	269:19,22	initiative	47:18
21:2,4,11	136:4,6,8	270:10	16:1,2,4	48:15
21:13 22:2	136:10	273:12,20	172:12	56:14,17
27:11,13	138:2,12	273:25	initiatives	56:21 57:2
29:11,14	143:2,12	274:6,13	135:23,25	57:9,14
29:16,18	148:17,23	283:8,12	inroads	97:25
29:20,21	149:6,24	283:16,18	31:20	153:12
29:24,25	150:13,18	283:25	insofar	164:24
30:1,12,18	154:7	286:16,18	97:12	217:5,8
30:20	158:25	286:21	187:16	230:21
31:10,16	160:3,6	287:1,7,8	200:19	232:12
31:21 32:1	161:11	290:11	202:19	267:6
32:3,6,10	162:15,23	295:19,21	Instagram	268:9
32:17 33:3	163:10,13	295:25	12:20	293:5
33:9,13,20	163:15,19	296:1,6,18	62:18	integrit...
34:1,8	163:23	296:20,23	85:10	46:23
35:2,9,19	164:17,22	297:7,18	91:18	48:22
35:22	166:19	297:22	147:13	intellig...
36:17,23	167:1	298:4,6,11	instance	24:12,14
37:19,24	168:4,12	298:12,17	113:9	74:4 79:25
39:1 42:14	168:18	299:21	297:2	111:23
48:1 50:8	171:1	300:22	instances	112:1,3,21
50:15,23	173:24	301:25	97:5	116:12,14
50:25	174:3	303:6,24	147:23	116:16
53:23 80:7	179:21,23	304:3,19	148:8,12	119:9
80:10	180:1	304:21,23	148:13,14	170:23
88:14,22	195:18	305:6,8,10	167:11	222:24
88:25	198:4	305:20	242:3	223:8,13
89:16 96:3	202:24	308:6	284:1	223:23
96:5,19,21	203:4	informed	instruct	224:14,19
96:24 97:6	211:10	163:12	21:21	224:23
97:8 98:7	213:16	infrastr...	121:18	225:10
98:10,16	214:23	17:1 18:17	188:24	235:7,21
99:8,12	221:14	42:13	instructing	245:12
100:12,22	225:19	154:17	189:12	257:2,5,7
102:7,23	230:22	211:22	202:25	278:10,17
102:25	231:1,5,11	276:23	instruction	278:21
103:1,7,12	231:15,24	283:2	202:25	intend 23:7
103:16,21	232:8	284:8,12	203:5	intended
104:20,23	248:11,12	284:16	instruct...	119:11
105:4,7,9	251:4	ingratiate	23:5	141:19
105:15	252:6	70:18	intake	152:20
106:2	254:12,22	initial	263:19	301:22
108:4,6,9	255:10	125:23	266:4	intense
108:13	256:17	231:1,6	integrity	127:4,18

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ELVIS CHAN 11/29/2022

intensive 78:10	206:23 249:17	interview 4:24 5:7	199:6,12 199:13,16	investig... 214:22
intent 160:1	Internet	259:16	199:19,25	investig...
interact 27:3 44:23	13:14 31:7	261:14	200:21	44:19
61:6 95:3	31:19 52:1	271:13,19	202:21	48:17
134:25	53:5,23	interviewed	213:17	267:1
interacted	54:3 55:21	271:24	214:6,14	invite 24:10
27:6 54:11	56:12 60:1	interviews	214:24	108:25
interacting	61:12	259:13,14	233:24	140:2
64:17	69:16 73:4	259:19	235:2,8,11	288:20
157:19,21	74:5 75:9	introduce	235:11,14	involve
interaction	75:25 76:3	6:25	236:1,18	50:18 71:3
45:2	78:21	intrusion	236:20	187:17
289:21	100:7,10	236:20	237:5,6,11	227:11
interact...	126:15	intrusions	237:22	228:7,17
135:9	141:17	173:8	239:8,10	229:17
235:25	143:3,16	174:8,16	239:12,25	247:1
236:24	154:6	258:10	258:1,3,6	280:18
interagency	157:1	Invaders	258:9	involved
159:1	interpret	81:15	266:23,25	26:14
282:9,19	81:7 92:23	investigate	308:7	27:22
interest	228:13,15	198:21	investig...	41:17
282:15	interpre...	investig...	39:9,12,13	49:20
interested	66:11	199:8	45:6 97:20	54:15,18
236:19	122:25	investig...	98:10,12	56:22 57:1
310:20	218:9	11:23	105:17,18	57:8,13
interesting	interpreted	12:15	108:5	79:11
72:18	118:16	39:14	111:20	89:25
136:13	123:3	215:11	120:22	90:25
Interest...	165:20	investig...	174:7	94:10
259:22	interpre...	8:13 31:7	190:4	105:23
interfer...	118:22	97:13	193:15	108:11
34:12	interrog...	111:11	195:8	123:4
200:13	4:19 21:11	142:23	196:8	124:4,10
257:24	21:23	174:6	198:8,19	124:12,15
intermin...	169:17	192:25	200:24	142:23
146:6	interrog...	193:6,10	201:20	154:5
internal	21:15	193:13,18	202:8	192:25
187:8,17	169:25	193:22	203:17	193:4,6
187:20,23	170:16	194:2,6,9	207:9	196:9
188:7,12	179:8	194:15,21	257:21,23	198:6,14
214:14	277:14	195:10,20	286:22	198:14
251:24	interrupt	195:22,23	290:6	199:13,18
252:1	9:19 52:17	195:24	307:23	208:12
254:7,8,10	106:4	196:1,4,7	investig...	237:4
255:1	242:20	196:13	21:18	245:5
297:11	293:16	197:5	193:25	255:13
internally	intervening	198:22,24	194:1	281:23,25
	26:24	198:25	303:17	involvement

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Phone: 1.800.280.3376

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ELVIS CHAN 11/29/2022

27:16,18	Iran 94:13	7:5	302:17	11:21 15:2
57:4 162:3	94:23	jeninyou...	306:4	15:15 17:5
193:8	155:3	2:19	jumping 84:7	18:21 20:7
194:15	305:21	jibes 286:20	132:21	26:14
197:4	Iranian 95:7	Jim 2:20	147:8	27:17 30:8
involves	251:7,9	239:14	158:23	30:12 32:5
231:21	Iranians	job 48:2	169:21	32:12 37:7
258:11	175:12	74:15	June 5:7	43:17
268:17	Ireland	168:21	19:21	44:11,20
involving	45:25	John 2:6,23	271:10,15	59:3,10
70:23	69:19	7:2,5	271:20	61:6 62:16
90:12	ISMG 259:21	76:12,18	Junior 1:9	62:21,21
181:2	271:18	john.sau...	259:6	63:17,19
218:15	issue 23:3	2:8	312:6	64:7 65:3
265:11	23:12	john@bur...	313:2	65:8 67:2
Iowa 19:6,9	60:24	2:24	jurisdic...	67:3,8
IP 30:4	102:12,12	joined 7:4	164:19	68:15 69:8
31:23 51:4	178:19	joint 35:25	Justice 2:10	71:3,24
62:3 99:21	211:4	284:17,20	3:4 7:9,16	89:9 97:6
100:9	227:23	Joseph 1:9	163:21	102:18
199:3	229:13	6:15 259:6	263:13,14	104:25
iPad 28:19	245:9	276:17	312:3	105:8
38:11	issued 310:9	312:5	Justice's	112:16
51:10	issues 12:16	313:2	263:11	114:13
197:8	18:1 60:17	journalists	justice.gov	116:16,24
241:18	70:6 164:3	142:1,6	262:25	117:8
IRA 65:13	205:10	145:8	263:6,10	118:19
69:16,22	240:2	judge 21:8		122:21
70:1,17	277:5,7,9	122:5,11	K	130:10
71:14	290:4	judgment	Kartapolov	136:12,22
72:11	item 289:11	90:18	126:20	138:15
74:18,20	294:7	judicial	Kate 55:24	141:19,20
77:17	items 27:25	196:12	56:2 58:20	146:6,13
84:10 85:1	188:1	Judy 181:22	Kay 135:7	149:1
85:8	281:9	183:14	keep 110:3	159:8
126:19	282:25	281:6	203:1	167:15
141:25		July 19:21	242:4	227:17
144:22	J	300:4,12	258:23	269:3
IRA's 69:14	J-a-n 209:25	jump 37:1	263:21,24	283:11,19
84:12,21	Jack 116:25	38:8 51:7	keeps 202:25	305:10
IRA-asso...	131:24	58:23	Kelly 44:15	kinds 12:16
132:13,17	Jan 209:25	128:6	Ken 2:7 7:4	30:14,14
IRA-cont...	210:5	150:21	key 240:16	43:1 59:3
87:5	Jefferson	157:6	kick 265:15	64:6 86:5
158:16	2:5	161:14,14	Kieft 47:23	94:5
IRA-gene...	Jen 274:23	169:24	48:12	105:23
72:10	274:24,25	242:7	kill 264:5	107:22
IRA-orig...	275:20	293:9	264:12	132:3
85:23	Jenin 2:18	299:24	kind 9:5	254:3

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ELVIS CHAN 11/29/2022

56:21	73:5 76:10	178:23	257:14	known 13:8
251:20	76:11,23	181:19	260:8	24:1 47:22
knock 136:19	76:24,24	182:22	261:9	57:5 72:24
273:12,13	80:2 81:5	184:3,4	263:1	214:2
273:20,21	82:2,4,9	185:14	264:5,13	Krebs 152:9
274:4,4,8	82:12,17	188:17	265:23	152:10,12
knocking	82:19 83:7	198:3	266:7,9,20	154:13
274:16,17	83:9,10,11	202:23	267:7	
know 7:20	83:12,12	203:3,10	272:22	L
11:22	83:13,25	204:20	273:11	L 2:11 312:3
12:15	84:5 85:2	206:7,8	274:23,24	L-u-c-a-s
13:23	86:3,7	213:2	274:25	183:23
14:15	87:7 88:15	214:1,3,9	275:8	L-u-k-e
17:15 18:5	88:16,23	214:18	278:21	183:21
18:11,20	90:18,24	215:14	279:2,8,9	labeled
19:19 20:6	91:7,14,23	217:2	280:13	241:15
20:18,20	92:8 95:1	218:5	284:4,14	293:10
21:24	96:5 97:4	223:24	284:15,19	lacks 18:3
23:12,13	97:14,18	224:5,7	284:20,22	18:13
23:14	98:5,18	229:8	285:5,17	30:16,24
24:13	104:11,16	231:4,9,10	288:8	32:15
25:19,21	104:17	231:12,14	289:10,11	33:11 34:5
25:23,23	109:19	231:16,20	291:11	34:19 35:6
25:25 27:1	112:17,24	232:22	293:7	36:7,19
27:18	114:2,13	233:12,12	295:8,12	114:16
30:13	115:10,11	234:19,22	299:22	117:11
40:25	115:17	234:23	304:5	133:13
41:22	116:18,20	236:19,20	305:2	138:20
43:23	123:17	237:6,10	306:14	153:21
49:16 52:2	124:15	237:16,24	307:2,9,15	171:15
53:19 54:5	126:8,23	238:2,15	knowing	172:21
54:7,8	128:1	239:11	132:16	212:25
55:15,19	132:19	240:11	295:19	213:23
56:2,3,16	136:5,9	241:1	knowledge	233:7
56:17,23	137:2,5,12	242:9	56:19,22	language
57:13,16	139:5	244:20,24	57:15,24	102:22
57:23	141:8	245:22	106:21	227:5
58:20 62:3	145:12,15	246:1,8,12	117:5	255:15
62:8,15,24	146:6	247:16	118:9	256:7,12
63:2,18,25	148:3	249:5,8,11	143:11	lapses 194:5
63:25	149:22	249:12,16	203:17	laptop
64:18 65:4	150:9,14	249:17	208:11	212:24
65:17,21	150:15	251:12	214:14	214:10,25
66:7,14,21	152:1	254:6,16	215:19,24	215:15
67:18,25	160:4	255:2,3,3	221:12	230:9,17
68:6,18	161:3,7	255:24	232:10	232:7
69:2,7,8	164:21	256:19,24	233:16,19	233:5
69:11 71:6	165:23,23	257:3,10	237:12	234:2
72:25 73:1	178:9,22	257:10,11	278:16	252:14

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ELVIS CHAN 11/29/2022

253:9	lawmakers	163:18	Lexitas 6:23	289:14
308:15	127:4,19	198:9	312:1,24	292:8,10
large 101:1	Lawrence	199:5	LIBERTIES	293:10,13
101:4	3:11 7:21	208:20	2:15,16	299:25
114:23	laws 164:21	249:19	life 9:20	300:6,18
133:10	270:1	250:5	liked 66:15	302:17,24
134:6	lead 111:13	270:4	66:18	303:5,23
293:18	114:9	312:1,24	80:18	304:18
298:17	207:10	legislation	81:19	305:5,12
larger	266:5	119:1,4,6	295:19	306:5,12
110:22	lead-up	119:12	296:7,9	307:8
largest	201:7,10	120:12	likes 74:20	links 107:23
235:5	leader 26:18	121:8,10	81:23 82:3	232:13
Las 275:15	leading	121:22	82:6,18	Lisa 237:13
Lastly	26:15	134:13	84:1,6	237:14
144:21	243:11	let's 10:5	liking 62:15	list 42:11
late 237:8	244:7	28:12	63:1 64:18	97:7 100:8
Laura 109:5	245:2	41:21,22	65:6 67:19	102:15
109:21	275:17	44:7 67:1	67:23	158:6,7
184:25	leak 195:22	150:21	71:22	listed 11:14
281:3,4	243:10	244:3	73:14,16	24:5 25:2
309:4	leaking	265:20	86:5	294:24
law 2:21	13:13	278:25	157:22	listen 9:8
20:19	learned	279:15	limited	listeners
21:17,18	227:8	303:1	50:24	261:21
23:15	228:3,5,16	letting	160:4	262:9
94:17	229:15,22	126:25	limiting	263:4
97:11	232:9	224:6	195:3	listening
111:7,13	learning	level 15:15	line 86:21	53:3
137:20	206:18	59:22 66:3	114:21	lists 111:2
138:4	leave 54:20	71:6 80:21	260:13	little 28:13
174:2,5	115:12	81:9 83:22	261:3	34:13 37:2
188:10	led 124:12	84:9 85:2	313:5,9,13	51:15 77:4
189:1	132:1	85:22	313:17,21	263:1
193:19,24	207:9	86:11 90:8	line-level	272:15
193:25	288:14	109:19,23	123:13	lives 264:13
194:11	Lee 194:3	121:15	lines 69:25	286:13
195:1,5,11	left 26:23	138:9	243:7	local 16:24
195:14,17	54:14,18	150:15	260:15	164:20
199:23	54:23,25	160:11	link 14:14	261:9
200:18	55:1,6	179:5,17	99:5,10	283:2
201:24	81:14	266:9	236:9,12	local-level
202:17	left-lea...	293:7	296:23	172:15
215:18	141:21	levels 64:5	304:15	located
218:25	left-wing	64:10 65:4	306:13	57:25
221:4,8,15	79:4	65:7,9	LinkedIn	105:2
270:8	legal 6:22	112:23	42:1 155:8	107:2,4
283:25	6:23 139:4	179:15	287:25	location
294:9	139:17	263:21,23	288:6,11	269:10,17

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ELVIS CHAN 11/29/2022

logged	279:21	mail 164:13	45:3,9	268:25
104:22	292:21	164:16	46:21	270:7,11
logistics	304:7	166:15	54:16	Mario 276:15
156:21	Los 276:16	267:25	55:16	Mark 116:24
long 8:14	lot 17:3	268:17	79:22	131:24
40:16,16	20:13	mail-in	81:23 92:2	242:13
110:2	52:24	164:18	94:1	243:3
236:4	118:2,15	269:11	105:21	marked 11:8
307:10,10	122:24	main 51:8	134:7	11:10
longer 45:20	148:8	maintained	136:20	169:11
46:17	169:6	70:4	147:19	196:14
124:23,23	259:8,18	maintaining	168:18	216:22
168:1	260:7,12	24:23	240:7,23	241:12
look 14:13	260:16,19	majority	283:9	258:25
60:12 79:9	271:23	16:10 45:1	307:18	271:4
83:15	lots 74:7	168:25	malign-f...	287:20
90:13	Louis 2:22	290:5	305:24	299:25
138:7,8	265:24	291:8	malign-i...	306:4
148:3	266:6,25	making	12:3 13:1	masquera...
149:13	267:1	114:13	13:5 70:1	67:8
159:5	312:19	138:16	105:18	master 10:17
169:23	Louisiana	260:17,18	155:1	Masterson
242:12,16	1:2 3:3,4	272:22	185:24	25:12,14
242:17	3:5 6:16	malicious	malware	25:15,24
267:8	love 148:24	72:22,23	72:24	26:12,19
269:13	low 15:7	malign 13:15	managed	26:23 28:2
292:19	81:9	13:18	198:18	152:6,10
300:11	142:20	36:10 39:9	management	152:12
301:3,6	168:3	46:12	289:19	154:13
looked 17:12	low-level	47:19	292:2	212:3,20
looking	62:5,6	48:23 65:9	manageme...	221:20,25
60:18	lower 55:23	90:13 94:6	46:8	278:8
80:12	197:19	99:13	manager	281:16,22
90:11	272:15	129:3	45:19	material
162:3	Lucas 183:22	131:4	48:13 49:3	223:2,10
179:5	Luke 181:22	133:7	manager-	225:3
197:3	183:18,19	134:20,22	44:17	230:25
204:19	183:20,23	136:2	mandated	249:6
259:19	184:5,20	138:5	168:14	materials
271:17	281:5	161:2,4	manipula...	204:23
273:23		241:5	243:21	205:9
289:13	M	242:4	247:8	206:1
292:24	M 4:14	256:2	256:1,10	225:14
305:14	MA 10:22	258:11	manner	229:25
looks 72:5	Maffei 47:13	290:3,12	162:18	248:1,6
81:18 90:5	MAGA 149:15	296:1	163:2,6,24	249:13,23
99:5	magnitude	306:25	164:12	250:5,13
149:14	84:11,21	308:9	168:17	250:25
252:18	MAHON 3:9	malign-f...	265:11	251:11,17

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ELVIS CHAN 11/29/2022

251:22	193:3	33:5 35:17	127:5,5,19	204:13
252:22	250:2,15	35:23	127:19	205:2,5,6
253:1,4,24	263:23	36:17	131:23	209:5,11
254:4,24	268:7,7	37:20	133:5,15	209:13
255:22	293:15	39:19,20	135:11,21	210:12,15
math 110:15	294:8	41:6,17	135:24	210:21
110:17	297:1,16	42:3,8	136:3,15	213:4,11
Matt 25:12	300:25	43:2 49:8	137:4,13	214:13
25:14	304:25	50:23	137:24	215:23
26:12	305:1	59:18,23	138:17	216:1,7,10
152:6	meaning 9:14	60:4,7	140:1,8	218:16
278:8	176:21	61:1,6,20	143:8,10	222:11
matter 6:14	244:13	63:15	143:13	223:4
7:10	means 33:14	64:12 69:6	144:9,22	225:5,14
163:14	68:7 72:1	69:14 70:5	145:10	225:21
224:14	73:13 81:3	71:15,16	146:13,16	227:15
241:19	92:24	71:21,24	146:19	229:22
289:23	219:9	72:9,10	147:2,23	230:12,13
matters	278:20	75:14	147:25	234:4
80:14	306:15	77:18 80:1	151:3	241:6
202:9	meant 29:16	80:3,8	153:10,16	248:14,17
238:12	75:4 224:6	82:7 84:12	154:3,10	249:13
276:21	224:6	84:22	155:8	250:6,12
286:13	246:13	85:15,16	156:11,13	252:16,20
Matthew	301:7	87:5,13	159:16	255:22
25:15	306:17	94:6 95:20	160:7,8,18	256:18
MDM 284:17	measure	96:4,20,25	161:10	259:21
284:20	16:16,20	97:8 99:14	162:23	261:18,23
mean 12:18	157:15	99:18	163:16	261:24
13:2 23:14	measures	100:20	165:6,10	262:10,13
29:14 30:1	16:15	101:21	165:12	262:14,18
30:2 39:12	127:11	105:10,24	166:3	265:3,21
39:13 43:7	128:12	106:14,22	168:19,20	266:12
43:7 52:9	mechanics	107:17,24	168:22,25	267:14,20
52:16 55:2	83:13	108:22	172:24	269:20
60:1,1,16	media 4:12	110:20	173:3,19	270:15
61:19,21	11:5 12:4	111:2,3	176:10	271:24
61:25	12:6 13:20	112:8	177:18,25	273:3,7,9
67:19,22	13:24 14:2	113:10	180:18	273:17
67:22,23	14:3,22	114:22	181:3,10	274:1
68:7,8	15:3,5,16	116:17	182:10,13	275:21
74:23 75:8	17:16,20	117:16	183:3	279:3
75:24 76:1	18:18,25	118:3,5,7	187:6	280:19
81:5 92:23	23:20 24:2	119:10,15	189:20,25	283:22
93:5 119:5	29:9,19	120:1,3,11	190:15,21	285:12,22
166:12	30:5,13,22	121:4	190:24	286:2,25
168:11	31:11,24	122:16,17	191:19	287:4
175:6	32:4,11,12	122:18	192:2,9	288:5,12
191:15,19	32:17,18	123:17	204:3,10	289:22,25

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ELVIS CHAN 11/29/2022

290:10	155:16,21	44:10	177:18,21	222:12,24
291:13	156:3	46:12 50:8	177:24	223:22
293:3	170:4,5,7	54:15 78:8	178:2,16	224:2
294:19,23	170:8,12	89:17,20	178:18	225:3,7,21
295:11	170:14,20	89:23 91:4	179:8	227:9
296:12	174:21	92:12,14	180:18,24	228:3,4,5
297:8,15	176:23	92:17	180:25	228:6
297:20	185:17	95:19	181:2,7,8	229:5,7,10
298:9,14	188:2,13	97:22 98:8	181:9,12	229:16,19
298:24	211:8	98:21	181:13,20	236:7
307:1,19	213:13	104:6	181:21	239:14,16
meet 42:3	216:3,10	105:25	182:9,13	239:17,20
43:6,9,12	216:14	109:1,10	182:13,16	243:16
44:3,14	218:11,12	109:14,17	182:22	245:17
45:8,11,13	219:16	109:20	183:3	246:7,9,13
45:16	227:25	110:2	184:23	246:14,16
46:20 47:5	233:23	118:1	185:12,16	246:18,22
47:11,17	277:24	119:19,21	185:18,20	247:4
48:16,21	278:3,4,6	119:21	185:22	253:16,19
49:1 57:17	279:2,24	120:5	186:1,4,5	254:17
57:20	279:25	121:5,6	186:22	277:11
101:22	280:4,5,11	122:22,23	187:20,22	279:3,5,8
119:24	280:12,18	123:5,15	187:25	280:9,22
120:10,16	280:24	123:18,23	188:16,18	281:9,11
121:3	281:18,18	124:5,11	189:7,22	281:14,21
135:11,14	282:7	124:13,16	189:25	282:17
135:17	283:20,21	125:14,16	190:8,17	283:18
289:5	289:8	127:14	190:20,25	284:3,5,9
meeting 20:7	290:8,10	128:3	191:11,14	284:12,24
24:10	291:5,6	135:20	191:18	285:8
25:18	293:4	150:22	192:2	286:4,24
26:18	294:13,18	155:12,15	204:4,7,10	287:5,10
40:11,13	308:24	155:18,23	209:17	287:11
40:14,21	meetings	155:23	210:13,18	288:6,14
40:24,25	20:4,14,16	156:6,10	211:6,9,13	289:14,25
43:1 58:3	22:3 23:22	156:10,18	211:14	290:17,20
58:5,17,19	23:25 24:8	157:3	212:3,16	290:22,23
98:14,19	24:9,21	162:9	213:7,10	291:14
103:6	25:9 26:2	170:17	213:12	293:2
104:3	26:6,7,9	171:10,12	216:1,6	294:23
151:11,13	26:15 27:8	171:14,21	217:24	297:20
151:14,15	27:15,17	171:25	218:5,7,8	300:17
151:17	27:23,25	172:2,4,7	218:15,18	308:18
152:11,14	28:3 38:24	172:17	218:19,21	member
152:15,17	39:2,3,5,5	174:19,20	218:25	303:13
152:23	39:18,23	174:22,24	219:8,12	members 43:2
153:4,11	40:17 41:2	176:23	219:24	133:4
153:25	41:6,18	177:7,10	220:4,9,13	250:15
154:12	42:19 44:6	177:12,13	220:17	memory 171:5

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ELVIS CHAN 11/29/2022

244:22	250:17	Meta-ass...	168:3	262:20
260:3	252:2	12:19	Mike 44:15	263:5,17
mention	255:15	Meta-owned	44:15	264:23
171:6	257:20	12:24	47:12	265:2
192:13	266:17	method 88:3	million	268:25
215:25	268:23	225:18	62:10 66:4	270:16
273:5	270:21	295:15	66:23	274:17
mentioned	271:23	297:21	86:14	284:8
16:21	278:7	methods	235:6	298:23
18:25	281:4,15	19:10	millions	306:25
29:17	282:25	31:12	64:17	mission
31:15 39:6	285:10	129:15	mind 23:3	134:19
43:8 54:19	291:24	156:22	229:9	Missouri 1:6
71:21 80:2	292:1	204:22	251:3	2:4,5,22
89:24,25	295:9,18	255:21	minimize	6:14 7:3,4
91:17,22	297:13	282:3	211:20	259:6
93:6,18	mentioning	300:23	Ministry	265:22,25
94:22	175:22	302:1	140:4	266:20,22
99:22	189:5	Michael	minority	312:5
101:21	219:19	197:20	79:6	313:2
102:4,9	mere 195:9	Microsoft	Minus 8:20	misstates
107:20	message 76:7	23:25 25:3	minute 15:19	79:13
116:8,22	76:14,19	25:5 27:2	71:4,14	170:25
118:10	112:11	27:10	95:11	176:13
129:17	289:10	152:24	254:2	mistakes
134:13	messages	209:13,15	minutes	114:13
135:16	61:15 66:5	209:24	234:11	mixed 64:3
145:14	72:11	210:23	mis- 142:15	MO 312:19
153:1	73:24 74:9	234:6	mischara...	moderate
156:20	75:22	236:9	36:20	87:22
162:21	158:19	middle 243:2	49:13 98:3	moderator
175:19,23	297:24	midnight	102:1	90:9,10
177:8	met 26:3,3	162:15	104:15	moderators
178:10	26:11	167:23	132:5	91:9,19
186:20	41:25 42:6	301:20	137:1	modified
190:4	45:18 47:7	midterm 20:1	138:21	206:8
192:16,17	47:21 58:7	26:21 27:9	139:16	modify 92:6
192:19	58:21 64:3	40:11,13	159:25	modulation
199:2	118:25	40:15	162:7	43:24
207:20,21	119:25,25	45:18 55:3	208:2	49:24
209:1,10	123:20	55:20	274:10	153:24
209:11	125:17	131:15	mischara...	217:14
212:1	135:13	167:23	36:22	modulators
217:3,3	144:24	272:3	misconduct	90:17
219:17,19	275:1,22	298:18	122:4	165:25
221:18	Meta 12:7,18	299:23	misidentify	moment 96:18
230:17	12:23	midterms	138:18	131:22
233:10,14	20:23	55:1,2	misinfor...	303:2
243:7	242:14	149:14	262:3,6,12	306:7

ELVIS CHAN 11/29/2022

Monday 168:6	Mueller	210:9	52:4,5,18	never 56:6,9
money 73:2	86:25	256:23	52:20	88:6 91:15
monitoring	Mueller's	276:15,17	68:19 97:1	92:5 206:5
301:23	65:24	303:16	98:23	215:20,21
Monroe 1:3	257:13,16	313:1,2	107:25	218:11
6:16	257:19	314:10	111:4	228:22
month 40:18	multiple	named 47:23	121:1	241:1
97:18	23:4,4	49:3 304:8	135:19	249:21
98:22	61:20 93:7	304:9,16	163:13,15	268:21
100:24	93:8 117:4	305:6	163:19	272:9
101:9,14	131:25	names 21:24	306:21,23	279:4,6
148:12,13	149:5	28:4 30:6	Naval 4:11	283:17
148:14	163:7	44:21	10:16,18	new 2:15,16
236:3	170:13	48:11,19	near 77:2	3:10 27:11
306:18	177:8	51:5 123:7	307:17	27:13
monthly	188:23	151:19	nears 40:6	45:22
19:22 20:2	200:24	182:18	necessarily	155:4
40:5,10,24	204:3	183:4	114:7	156:1
41:10	230:13	278:14	148:5	214:9
42:21 44:9	235:25	nation	159:11	216:17
50:16	240:14	154:25	281:6	229:23
89:17	257:14	190:5	308:7	230:11,22
104:3		202:9	necessary	232:3,14
170:8	N	209:2	314:8	232:16
171:13	N 2:1 3:1	226:8,10	need 89:2	241:9
177:16,17	312:18	227:18	108:3	243:25
181:2	N-A-E-B-C	nation-s...	112:4	258:16
182:14	144:14	283:6	122:7	306:13
288:13,13	NAEBC 143:5	285:18	179:22	Newell 200:7
297:19	143:18	nation-s...	180:1	200:15,23
months 19:19	144:14,21	157:5	238:2	201:7,10
40:18	144:24	national	249:18,18	201:12,16
207:16	145:3,17	13:10	265:12	201:18,21
236:5	145:19,23	24:14	294:21	202:1
239:1	146:13,19	111:21,25	298:15	Newland
289:6	name 6:21,22	112:5	299:8,9	45:19 46:5
morning 6:9	7:7,14 8:7	158:25	needed 168:4	news 13:20
229:24	8:9 45:25	171:6	168:7	13:23 14:4
301:18	48:24	200:9	296:4,19	14:19 15:4
motivated	58:14	201:19	297:5	15:17
117:9	62:25	202:7	298:4	56:24 60:3
move 41:10	135:6,8	national...	needs 294:15	60:17
169:3	179:14,18	16:6 173:8	294:15	131:19
199:5	179:19	nationality	306:7	143:7
moved 19:22	181:23	145:13	neither	213:4,21
20:1 40:9	182:3	nationwide	124:24	214:1,13
200:3	183:17,22	168:11	network 59:9	214:16
moving 95:10	209:25	natural 77:2	networks	215:1
258:24	210:1,5,5	nature 27:16	51:6	230:7

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Fax: 314.644.1334

ELVIS CHAN 11/29/2022

251:7,10	November	object 97:10	112:20	238:23
272:8	1:16 6:1,4	121:11	114:15	240:9
275:9	6:11 141:1	193:19	115:14	245:24
Newsroom	220:15	199:22	117:11	246:10
143:5	272:12	202:16	121:25	251:23
145:23	293:12	objecting	132:5	268:2,20
Nextdoor	294:1	23:5	133:13	270:4
12:21,22	312:8	objection	136:25	274:10
nickname	313:3	11:25 14:9	137:25	282:8,18
303:19	NSD 200:23	14:20 18:3	138:20	299:11
Nigeria	number 4:10	18:13	139:16	objections
31:14	5:4 16:1	22:18,19	142:25	4:18 22:23
night 162:14	66:3,10	26:16 27:5	144:4	169:16
301:19	85:8 89:2	27:19	146:9,20	Observatory
ninth 300:4	100:21	30:16,24	150:10	52:1 53:5
nodding 10:2	101:1,16	32:15	153:20	53:24 54:3
noise 259:8	113:20	33:11 34:5	154:1	55:22
260:8,12	114:23	34:19 35:6	156:19	56:12
260:16,19	131:8	36:7,19	159:24	observe
nominated	132:11	41:13,19	160:21	125:16
275:4	134:4	43:4,19	162:6	observed
non-FBI	150:14	44:25 48:6	163:25	32:20
151:22	167:9,10	49:13,25	164:7	39:15 70:1
non-social	184:15,24	50:10	166:1	obtained
273:7	184:25	56:18	168:23	80:8 220:5
nonelection	288:8	57:21 61:8	170:25	223:2,11
308:1	310:9	63:4,22	171:15	225:3
nonsense	numbers	64:20	172:21	230:23
75:3	65:14,16	65:11	174:1	obviously
noon 140:15	65:20 89:3	67:14 68:4	175:2	63:8 86:4
normal 19:5	110:24,25	68:16,25	176:13	114:18
19:7	150:2	69:23	187:8,15	179:11
north 3:5	numeral	70:13 71:8	188:6,22	197:1
110:16	28:15,16	72:14	189:9	occasion
Northern	O	73:18	193:2	132:23
6:19		74:21	195:1	175:13,24
Northwest	o'clock	75:23 76:8	199:22	occasion...
2:11,17	301:18,19	76:21	200:18	25:1
312:3	O-l-s-o-n	78:18	201:24	occasions
notarized	183:9	79:13	204:17	27:7 102:6
312:17	o0o--- 1:4	81:25	208:2	125:9
notary	1:15,18	90:20 92:3	210:14	131:15
312:15	2:2 3:2	92:16 94:8	212:25	149:5
314:22	4:2,9 5:2	94:16 95:5	213:23	150:17
noted 11:17	6:2 140:17	98:3 102:1	215:17	180:22
noticed	141:3	102:21	224:3	204:3
144:7	309:21	103:4	228:19	240:14
notifying	oath 179:1	104:14	231:7,18	274:22
131:5	oaths 310:12	111:7	233:7	290:7

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Fax: 314.644.1334

ELVIS CHAN 11/29/2022

occupation	230:15	267:1,2	179:14	33:18 37:6
8:10	241:20,21	269:15	181:14	38:19
occur 19:16	244:1	278:10	182:8,15	39:17
39:25	253:11	312:18	197:25	40:21 42:2
89:13,16	259:15,22	officer 48:2	200:10	46:19
97:22	260:5	54:9 105:1	216:7	48:20 52:8
120:5	302:25	310:22	220:16	52:21,21
167:17	305:4	OFFICER'S	221:23	54:2 55:5
199:20	ODNI 24:14	310:1	224:19	56:7,16
201:7,13	151:11	officers	227:6,21	59:22
205:12	154:21,23	235:7,21	235:19,24	60:11,20
219:2	157:2	offices	236:23	60:23
220:18	161:1,13	24:22 31:9	254:13	62:12
221:11	217:24	39:8,11	255:17	65:19
226:21	218:15	50:15	276:7,11	67:22
occurred	222:2	98:11	276:13	69:16 70:3
19:18	223:24	110:13,14	281:19	73:5,22
122:5	281:24	162:16	308:25	75:11
166:22	283:4	163:8,9,10	309:2	77:25 78:6
167:21	285:18	163:17	OGC 267:5	79:3 83:5
171:14	offering	177:10	oh 10:21	83:6 86:12
206:14	136:22	181:5	33:18	87:24
208:8	office 2:4	official	40:16,21	93:17
214:8	6:19 7:3	46:16	52:21 62:8	95:25 96:2
219:13	16:8 24:13	109:22	69:3 75:11	97:19,21
220:14	45:25 58:2	179:7	80:25 81:3	99:7
235:1	104:22	197:23	97:21	102:18
236:24	106:18	222:2,6	119:20	104:11
246:25	107:5,14	246:4	129:13	108:19
250:8,9	107:18	257:4	152:8	109:2
295:4	108:20	265:1	155:14	114:8
306:18	110:11	267:7	161:22	115:25
occurrence	164:21	276:6	177:15	116:7
120:8	168:13,14	309:5	184:4	121:6,21
occurring	170:23	officials	265:11	124:25
89:19	177:2,9	16:25	269:13	126:12
223:7	201:1	25:11	294:6	128:6,9
243:24	235:2	44:17,18	okay 6:9	129:11
October 4:22	237:15	46:8 47:10	7:12,13,19	131:11
4:24 5:9	257:3,13	47:11 49:7	11:14,17	139:10
40:24 41:1	257:14,15	54:10 80:9	12:2,25	143:22
192:15,18	257:17,19	105:22	17:3 20:17	144:13
197:17	257:23	106:13,21	21:9,9	149:4
213:21	258:2	108:22,24	22:10,11	152:14,22
219:4	261:9	125:3,13	23:19	155:18
220:10,15	264:15,17	154:17	25:22 28:9	156:6
220:19	265:16,19	172:16	28:12,16	157:13
221:2,3	266:6,7,23	173:9	30:11,19	159:8
229:14,22	266:25	175:18	31:15	176:16

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ELVIS CHAN 11/29/2022

177:5,11	287:9	199:20	190:7,12	282:13
177:15	one-to-one	200:16	191:13,17	291:20
178:1,7	296:6	201:23	191:25	opposed
179:10	one-way	202:15	192:4,6,8	112:17
180:4,6,9	296:16	203:11	192:21,23	165:18
181:12	ones 20:17	205:3,17	203:20,23	176:15
182:12	113:18	205:20	203:25	291:18
183:7	153:6	206:22	204:16,20	oral 9:24
184:2,18	246:23	208:1,6,11	206:12,24	order 7:20
185:5	302:9	208:18	207:8	17:11 48:3
189:15	ongoing	209:22	208:23,25	111:24
191:22	194:1	219:25	209:4	169:21
197:12	online 13:6	227:10	210:17,17	180:3
202:22	52:18 54:1	228:7,17	211:5,11	197:2
209:5	59:18,23	229:17	211:16	199:5
220:9,25	61:13	239:7	212:5,9	ordering
232:11	70:19,22	243:10	219:10,21	122:5
234:12	77:18,19	244:18	220:18,22	orders
243:14	83:13	245:1,10	220:24	111:19
244:3	93:15	246:19	221:10	ordinary
249:3	open 99:8	247:18	222:16,18	61:5 144:2
254:21	140:6	248:24	225:24	Oregon
260:1	277:12	251:16,21	226:4,9,12	276:17
265:18	opened	256:15	226:18	organic
271:3	166:14	294:11,11	228:24	70:18 75:7
272:7	operate	294:12,13	240:24	75:8,13
277:19,22	12:11 42:8	operations	244:6	77:19
278:3,5	89:11	16:3 37:21	255:20	158:6
288:4	operated	37:25 38:5	270:23,25	250:18
293:23,23	15:16	45:10 59:4	282:6,6	organiza...
300:15	31:25	59:5 94:6	operations'	144:9
302:7	32:14	105:21	219:2	176:7
308:20	33:16 76:2	133:17	opinion	211:19
309:3,7,16	operates	157:16	63:24	278:13
Olson 181:22	88:24	158:2,25	114:18,25	279:6
183:4,8	operating	161:18,24	115:24	284:15
186:14,15	168:1	172:3,4,10	116:6	289:22
207:22	operation	173:12	117:14,16	organiza...
254:14	172:19,19	174:25	118:20	223:21
281:5	173:1,6,15	175:1,12	119:3	224:16
once 117:3,6	173:19	175:16,20	120:2	293:8
173:22	176:11	177:23	121:7	organiza...
175:9	180:19	178:3,6,20	128:5	134:18
233:5	186:16	181:6,15	131:20	organized
236:2	188:5	182:9,17	132:7,8	171:21,25
once-a-m...	191:1	185:11	139:9	177:14
237:18	192:11,18	186:7	152:16	178:2
one-on-one	193:1	187:3	160:24	186:5
283:20,21	194:21	189:6,19	249:15	204:7,9

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ELVIS CHAN 11/29/2022

218:22	235:10,11	126:10,14	313:5,9,13	51:17
219:8	251:12	128:6,9,9	313:17,21	74:10
origin	overseas	128:21	pages 4:14	81:22 92:4
163:19	139:2,6,7	130:14	4:16,19,20	113:23
original	oversee	132:10,10	4:22,24	116:2
312:9	198:10	132:15,22	5:7,9 38:8	147:16
originally	overview	141:10,11	70:5,10,17	157:11
134:17	154:24	144:20	78:24 84:7	166:20
originated	156:14	146:1	132:22	179:18,18
74:18	200:24	147:8,9	144:19	243:21
144:17	253:23	149:9,13	147:13	247:8
Otto 48:24	278:23	150:5,21	288:5	256:9
ought 169:23	283:5	150:23	paint 69:10	257:16
outcome	285:13,20	152:22	painted 67:3	273:24
240:8	overviews	157:7,7	paper 19:11	281:1
outlet 142:8	156:25	158:23	279:7	participant
230:13	157:3	161:14	paragraph	186:3
259:21	291:10	169:24	28:23,24	particip...
outlets		170:1	37:8 51:18	24:6
213:4	P	197:13,14	51:19	170:21
230:13	P 2:1,1 3:1	227:8	59:17	171:6,8
271:25	3:1 310:11	237:13,14	69:24	172:18
outside	310:16,20	237:21	84:20	178:25
94:13	311:1,7	238:6	126:12	185:20
105:24	p.m 141:5	239:6	128:16	220:11
107:13	167:25	242:8,12	132:15	278:6,7
108:19	180:11,14	242:25	134:10	280:1
137:2	234:15,18	243:1,2	217:22,23	participate
155:14	287:16,19	260:10,13	218:2,3,4	19:14
191:22,23	294:1	260:15	218:6,20	20:13,15
200:5	309:18,20	261:2,3	218:24	25:9 27:24
201:16	P.O 2:22	272:1,2,6	229:21	46:12
208:19	page 4:4,10	277:18,21	230:3,20	281:10,13
211:13	5:4 11:15	277:25	231:23	particip...
216:11	28:14 37:2	278:2	232:11,20	19:15
240:4	37:4 38:9	288:18	261:3	20:22 22:3
255:1	38:11 51:8	291:21	paragraphs	28:6 38:24
287:11	51:13,13	292:7,13	126:13	137:15
overall	51:21	292:18	170:6	171:9
152:15	55:23	293:9,11	parameters	278:11
overcome	58:24,25	293:17,19	88:11	280:17
195:11	65:12,15	293:20	paranoid	particip...
overincl...	67:1 69:12	299:7,25	48:3,5	28:3
138:17	69:13 76:4	300:1,2,4	Paranoids	particip...
139:15	77:15	300:9,11	47:22,24	23:21
oversaw	78:24 84:8	302:21	parlance	particular
198:6,11	84:16,17	306:4,5	290:13	24:20 25:8
198:17	86:12,13	312:10,15	part 33:19	91:2 97:13
201:19	126:8,9,10	312:18	34:14	97:15

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ELVIS CHAN 11/29/2022

111:11	128:10	110:5, 9, 19	79:24	200:3
122:11	141:11	111:6	116:12, 15	276:1
174:6	147:9	122:16	perpetrate	301:5, 13
193:21	157:8	123:22	219:10	301:23
199:25	197:12	138:11	persistent	perspective
202:20	242:9	146:2, 17	272:23	34:15
204:2	243:1	146:18	person 26:4	200:25
214:25	293:11, 19	153:12, 15	26:5 43:8	201:1
225:20	293:20	161:9	43:10	Peter 234:19
particul...	300:1, 2	168:6	184:15, 24	235:9
121:17	302:22	181:21	184:25	pharmacy
particul...	306:6	182:11	203:14	93:12
194:7	PeaceData	183:24	264:6	Phoenix 7:8
parties 6:25	141:12, 14	186:12	275:23	phone 52:3, 4
14:23	141:25	200:5	person's	52:5 53:15
310:18	142:8, 24	207:4, 6, 11	183:17	97:24
partnered	143:4, 17	207:24	personal	107:24
56:20	144:10	219:23	23:16	135:10
Partnership	145:7	223:8	95:17, 18	236:6
56:14, 17	146:18	254:16	114:17	Pichai
57:2, 9, 14	peers 217:25	268:18	115:24	116:25
parts 115:22	penalty	276:8	116:6	pick 97:24
126:13	314:11	281:15	117:13	138:11
225:9	pending	293:3, 5, 8	118:20	picking
party 216:9	195:20	296:9	128:5	309:9
265:7, 8	196:4, 6	people's	132:7, 8	picture 67:2
266:1, 2	220:24	28:4 60:15	139:9	69:9 72:5
269:5, 6	222:17	84:4	148:5	piece 136:12
304:9, 17	people 14:16	percent 85:9	159:4, 10	Pierson
305:8, 11	14:17 43:1	85:9, 10, 13	229:25	222:7, 9, 10
pass 104:25	43:6, 11	85:20	235:22	pilot 136:2
119:12	44:14	167:5, 7	249:15	Pinterest
pass-thr...	45:12 48:8	241:4	291:20	155:8
105:4	49:10	percentage	personally	156:2
passed 41:3	54:19 61:5	15:13	18:23	Pipeline
162:20	63:18, 20	113:21	19:14 22:3	277:2
passing	66:8 68:1	period 40:17	25:20 52:2	place 112:6
257:11	68:10, 12	100:10, 11	52:9 56:3	127:6, 20
paste 291:4	72:17 78:2	219:3, 10	79:11	148:4
pasted 304:8	78:10	219:25	81:11	161:8
Patricia 5:9	80:17 81:2	311:6	119:14	162:18
197:25	81:18	periodic	148:2	163:2, 6, 23
PATRIOT	83:20	42:5	151:6	168:17
111:24	85:16 87:4	135:10	278:24	237:7
pdf 37:4	97:25	perjury	personnel	243:6
38:12	105:3	314:11	50:16	265:11
51:13 59:1	106:17	Perkins	119:23	268:25
84:18	109:2, 19	197:20	122:19	270:7, 11
126:11	109:20	Permanent	140:8	places 28:20

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Phone: 1.800.280.3376

Fax: 314.644.1334

ELVIS CHAN 11/29/2022

Plaintiff	42:8 43:2	187:7	podcast	78:11
1:7 2:3,15	43:3,17,25	189:20	261:22	80:15
2:20 3:3,8	49:8,12,21	190:15	262:10	132:8
8:2	49:24 50:9	204:3,11	271:13	173:9
plaintiffs	55:12,15	204:13,24	point 22:7	176:7
7:6	60:7 62:18	209:6	22:22	223:1,10
Plaintiffs'	64:12 70:5	210:16	33:19 77:2	223:14,17
4:18	75:15 80:3	215:23	120:25	223:20
plan 120:16	80:8 83:14	216:1,7	159:2	224:16,16
251:2	85:17	218:16	161:13	265:7,8
planned	87:13,23	222:11	165:9	304:8,17
285:3	91:6,8	223:4	170:2	305:8,11
planning	94:7 95:20	225:5,14	183:1	Politician
300:20	96:4,20	225:21	186:21	264:3,5,13
301:8	97:8	232:7	248:22	264:16
platform	101:21	242:5	279:1,22	politicians
23:21 48:4	105:10,24	249:13	279:24	132:23
61:20	106:14,22	250:6,12	284:2,11	133:4
71:22 82:7	107:17,25	252:16,20	288:19	polling
85:15 89:1	108:23	254:24	289:3	269:9,17
89:5 93:15	111:2	255:23	305:3	pop 42:16
110:20	116:17	256:18	points 86:13	popping 51:5
114:25	118:4	262:13,14	147:16	portals
117:17	119:10,16	262:18	poles 166:14	261:18
122:19	120:25	267:14,20	policies	portion
189:25	122:16,17	270:15	43:25	258:1,5,8
210:12	123:18	274:14,20	78:10	273:25
232:2	126:2	279:3	95:13	274:1
234:4	127:1,7	280:19	118:18	portions
238:21	131:23	285:22,24	129:7	258:7
261:18,23	132:25	286:7	130:7,11	portray
261:24	133:6,18	287:1	165:17	265:24
266:13	135:21,24	288:12	217:11	posed 242:13
283:22	136:3,15	293:3	232:17	posing
288:5	137:13,24	294:20	248:11,15	141:25
289:25	143:17	298:9,24	250:13	position
290:11	146:13,19	307:1	266:14	194:10
291:14	147:14,25	play 157:15	270:24	195:2
301:23	153:11	pleading	policy 129:2	257:8
302:11	154:9	122:9	129:18,23	positive
platforms	156:11,16	please 6:24	130:4,21	133:24
12:4 13:20	160:19,20	7:13 8:7	133:11	possession
13:24 14:2	162:23	9:13 20:21	135:13,15	212:24
14:3 17:17	165:6,10	31:5 41:23	135:20	possibility
30:13 32:4	173:19	181:25	166:13	175:19
32:12,19	177:18	303:23	279:7	185:10
34:9 35:10	180:18	312:8,12	political	192:14
35:12	181:3,10	312:17	16:6 34:3	199:14,19
36:18,25	182:10,14	plural 221:5	68:15 70:6	207:25

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ELVIS CHAN 11/29/2022

208:18	132:4	187:2	practices	305:9,11
243:10	142:10	189:5	125:19	presiden...
244:6	145:5	190:11	pre-marked	16:10,12
245:1	146:2	192:7	169:22	173:10
possible	158:13	200:2,13	196:17	219:3,11
57:19	205:2	200:16	precise	220:1
131:11	213:5	203:19,22	150:2	240:8,24
208:17	217:9	203:24	177:7	304:9,17
221:3	229:23	206:24	predication	305:9,11
245:13	241:15	207:7	263:21,24	pressure
246:25	Postgrad...	208:5	preelection	116:1,8,16
247:2	4:11 10:16	209:21	253:16	117:8
possibly	10:19	211:10	preface	118:2,15
152:10	posting	219:20	190:9	118:19
post 60:25	145:16	220:22	preference	122:24
61:15,21	163:1	222:16	297:4,11	123:2
62:16	166:13	223:16	prelimin...	127:4,18
143:25	205:25	224:10,25	230:21	131:24
144:24	269:22	226:7	preliminary	132:9,24
145:9,10	postings	229:1	241:19	242:3
162:13,21	60:14,15	238:20	Prelimin...	pressured
163:23	87:4	240:18	4:19	133:5
164:25	143:13	250:23	preparation	presumably
165:5	286:12	254:5	27:24	68:13
167:15,21	postmarked	255:19	preparatory	presume
167:24	164:18	256:14	26:6,8	226:13
168:6,8,10	269:12	269:25	280:11,18	pretending
168:15	posts 72:13	270:12	280:21	92:25
205:8	76:13	273:2	281:21	93:23
214:9	130:23	283:6	282:1,4,17	pretty 98:9
227:18	165:7,18	potentia...	prepare	272:12
229:23	165:24	177:22	27:15	prevent
230:12,22	166:5,8	potentially	117:25	132:3
232:14	167:18	34:16 54:1	137:11	172:9
244:1	267:24	90:12	272:4,5	prevented
266:17	285:24	157:23	279:24	232:14
268:23	307:11	176:15,19	280:4	Prevention
272:9	posture	190:6	preparing	292:10
293:14	300:21,21	209:3	27:17,22	previous
294:7	300:25	226:11	245:5	48:1 75:6
295:3,5,6	301:1,2,7	240:21,23	271:8	300:9
295:12	301:11,21	248:1,6	272:13	previously
296:17,21	potential	250:24	present 6:24	11:7 12:7
298:13	121:8	252:3	254:17,20	29:17
301:3,6,16	122:6	254:1,3	309:5	102:9
Post's 232:3	172:25	274:7,16	presenta...	177:8
posted 67:9	173:11	305:23	137:16	190:5
68:23	175:11	practice	president	210:22
75:17	178:5	291:2	304:10,18	217:4

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Fax: 314.644.1334

ELVIS CHAN 11/29/2022

219:17	231:24	124:13	product	32:19 34:9
232:15	238:10	163:9	112:24	35:9,11
257:20	243:16	242:17	164:3	36:25
266:18	245:17	261:5	236:10	38:16,21
268:24	246:6,9,12	265:10	products	48:3 50:5
270:21	246:15,17	268:1	12:19	87:22
275:11	246:21	305:1	139:24,25	274:14
283:1	247:4	probed 88:5	278:19,20	protected
285:10	privilege	88:8	278:23	16:2,4
294:24	21:17,18	problem	professi...	20:25
primaries	23:15	22:24 83:1	54:11	195:18
19:2	27:20	problematic	135:1	protecting
156:22	94:17,19	105:9,16	Professor	55:12,15
285:17	97:11	150:18	55:24	284:7
primarily	111:8	165:7	58:11	protection
26:5,20,20	121:12	problems	77:24	211:23
29:10 51:4	122:1,3,8	126:6	program 72:7	protections
55:13	122:11,14	Procedure	139:14	139:5
134:17	164:1	310:14	programs 7:9	protective
135:13	174:5	proceed 23:6	7:16 71:15	172:12
138:25	187:10,11	23:10	72:3	180:3
156:21	188:8,9,25	proceedings	136:16	provide
275:24	189:1,1	309:19	137:11,24	16:24
276:20	193:20,25	process	138:16	27:25 31:3
286:1	194:2,4,11	22:22	139:21	33:3,8
298:21	195:1,6,11	27:20	prohibit	89:15 96:4
primary 19:7	199:23	112:6	205:25	100:1,4,8
26:22	200:18	121:12,25	prominent	108:25
74:14 93:1	201:25	122:2,14	120:23	111:1
105:3	202:1,17	160:5,5	prominently	115:23
208:14	215:18	163:18	161:18,25	131:7
210:20	251:24	187:10	promoted	137:6
principal	282:9,19	188:8,25	109:12,15	140:5
46:4	privileged	196:12	propaganda	156:14
principally	174:2	199:5	134:18	157:2,4
14:8 94:4	privileges	250:5	proposals	164:23
prior 125:24	187:11	251:24	282:22	167:2
133:23	188:9,23	254:7	prospect	173:18
202:12,15	202:18	266:16	185:10	179:17
310:14	privy 238:2	270:12	186:6	190:10
privacy	255:5	276:10	187:13	209:1
205:10	pro-Second	282:9,18	189:19	214:23
private 7:6	76:14,18	285:16	191:12,24	227:19
16:17 18:7	83:16	296:25	203:11	269:19
20:10	probable	processed	206:21	278:22
105:6	68:20	265:3	210:16	285:12,18
155:5	252:4	processes	211:5,15	285:20
170:9	probably	29:22	239:6	304:12
179:2,3	64:25	283:2	protect	provided

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ELVIS CHAN 11/29/2022

16:5,8,9	244:16,17	73:24	96:9 98:6	122:3
16:13,14	244:21,24	74:20	104:8	194:1,4
27:13	245:5,9,16	75:21	105:13,20	221:2
32:21	245:23	93:11,14	115:22	245:1
38:25	246:2	put 35:20	122:12,13	262:18
45:24	259:13,14	116:17	138:24	293:14
50:14	265:1	122:23	150:8	quote/quote
65:21	267:6	204:23	175:5	15:7
113:10	268:9	216:20	189:3,13	quote/un...
132:23	271:23	242:3	190:23	302:10
139:14,25	312:15	244:14	193:21	
146:22	314:22	289:11	194:12,19	R
148:23	publicizing	putting	194:23,24	R 1:9 2:1
149:7	59:10	164:7	195:4,10	3:1 6:15
150:14	publicly		195:13	259:6
154:24	147:23	Q	199:15	310:11,15
156:24	148:17	qualified	202:11	310:20
162:16	194:16,18	310:7	203:5	311:1,7
226:9,16	196:21	qualifiers	214:22	312:5
227:4	214:2	253:3	242:13,15	313:2
253:22	259:12	quarter	242:18	raise 23:12
274:22	publicly...	131:9	250:18	23:13
286:18	94:24 97:5	quarterly	272:7	139:11
287:4	published	19:18,25	292:25	178:19
291:3	213:5	39:25	308:17,20	187:13
311:6	pull 33:9	40:10 41:3	308:22	188:4
provides	126:5	41:5 42:5	309:12	189:18
34:8	197:7	42:20 44:9	question's	190:15,25
providing	206:11	89:17,20	34:13	221:24
32:5 53:25	pulled 83:25	98:8,14,19	questioning	raised 178:7
89:3,4	purchase	98:21	308:16	178:8,15
103:15	78:1,11	103:6	questions	181:7
113:8	93:15	104:3,6	9:7 17:5	186:21
131:3	purchased	105:25	21:21	187:6
139:21,22	77:17	109:1,14	141:8	188:16,17
203:1	purpose	177:7,17	304:1	188:21
283:24	33:25	181:1	308:11	205:19,21
provisions	34:15 35:1	182:14	quicker	206:15
93:18	35:4,8	239:4	160:18	246:19
public 117:8	78:15,20	288:13,23	quickly	raising
128:23	274:6,12	297:19	160:14	191:17
130:17,23	pursuant	question 9:8	161:11	205:24
131:7	310:13	9:9,12,15	307:8	282:5
140:6	pursue 250:3	27:21	quite 46:3	ran 193:15
161:4	251:7	34:14	64:25	235:10
164:24	252:13	79:16	240:11	257:21
195:2,4	pursuing	88:18,19	quote 79:12	301:15,17
243:9,15	250:24	90:22 92:5	85:8	301:20
244:5,11	push 60:25	94:19,20	105:16	random 75:3

LEXITAS LEGAL

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Phone: 1.800.280.3376

Fax: 314.644.1334

ELVIS CHAN 11/29/2022

99:24	294:3	302:11	225:6	101:6
101:15	297:25	reason 24:21	229:18	120:7
ranging	312:12	88:19 99:3	238:25	123:1
109:25	313:6,10	103:20	244:11	124:9
ranking	313:14,18	113:23	248:5	125:12
281:19	313:22	120:1	251:14,19	175:13
ransomware	314:5	122:4	260:17	178:9,21
276:24	read-thr...	131:12	261:11	182:19
277:2	287:24	133:14	307:4	185:13
rarely	reading	138:3	receive	186:17,19
135:14	61:21 65:5	148:16	102:5	189:4,14
rate 167:6,7	66:8 68:2	168:24	166:3	189:21,23
167:9,12	71:4 86:5	203:13	197:7	191:2,8,21
reach 233:16	157:22	205:9	247:25	199:9
254:6	231:22	207:14	254:23	201:14
reached	243:13	209:12	296:5	203:13,14
65:14 66:3	275:9	210:11	received	205:11
66:4,10,24	real 61:5	220:23	103:8	244:20,23
85:8,21	63:19	223:18	117:20	248:20
86:16	70:23	224:13	163:4,7	249:20
232:22	71:25 72:5	228:11	255:10	256:13
241:5	74:12 78:2	251:5	286:9	275:24
267:10	78:16	283:24	295:25	281:12
reaching	85:15,16	290:3	receiving	282:11
59:9 86:7	86:22 87:3	291:9,15	297:10	305:14
233:20	111:6,6	298:13	recess 22:14	recollec...
reaction	112:18	307:12,13	77:11	56:5
68:7 87:12	113:15	313:7,11	96:14	101:13
reactions	114:14	313:15,19	106:9	144:12
67:17,19	139:12	313:23	140:15	146:21,22
231:2,6	144:23	reasonable	180:12	153:9
read 38:4,20	145:5	194:6	234:16	154:2,15
50:4 51:16	157:18	reasons	287:17	154:24
56:24 66:9	158:17	106:6	recharac...	157:2
77:17 81:5	302:10	191:3	176:14	164:15
81:6 86:21	realize	208:14	recipient	166:2
105:12	21:10,13	recall 20:17	200:8	167:8,21
127:18	really 66:2	20:18	recipients	170:15
128:15	100:21	23:20	98:25	172:22
145:20	115:6	191:11	recognize	175:17
193:24	154:4	205:13	196:22	176:18
228:23	195:15	206:20	recollect	181:19
229:8	272:17	209:19	28:4 42:23	186:25
230:14	283:20	211:2	42:24	197:4
231:22	realm 45:3	212:11,17	44:21	200:22
232:20	realtime	213:18	48:19	205:4
240:19	160:3	215:2,25	53:15	208:4
244:22	295:20	221:13	85:18	209:7,8
293:24	297:1,6	222:13	91:15,20	210:19,24

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ELVIS CHAN 11/29/2022

211:17	105:11	199:14	referenced	206:11
212:21	106:6,7,10	205:20	295:16	refresh
213:9,13	128:14	recurring	referencing	197:3
219:6	129:10,20	170:4,7	127:10,12	244:22
223:12	130:25	278:3	referrals	refreshed
224:7	131:2	279:24	168:20	260:2
226:23	132:6	284:23	referred	refused
227:14,15	137:1	redacted	12:25	216:15
252:24	138:22	292:9	15:19 59:5	regarding
268:24	139:17	Reddit 24:3	75:6 84:8	148:6
273:24	140:11,13	41:25	86:12	218:1
281:24	141:5	48:20,21	94:24	233:20
282:13,17	159:25	48:25 49:1	108:17	regardless
286:1	162:7	49:9 91:18	123:18	179:15,17
290:1,16	164:8	155:8	179:8	regional
294:22	175:3	156:2	207:12	135:3
295:2,5	176:13	redirect	210:22	276:7,11
308:21,22	179:1,13	146:25	213:6,9	276:13
recommen...	179:18,19	Redmond 25:6	214:10,11	registered
158:24	179:22,23	reduce 232:6	230:5	269:5,6
159:4,14	180:8,10	refer 32:11	233:23	registrar
160:15	180:13,15	38:14	266:22,24	50:14
recommen...	180:16	51:21	269:2	registrars
91:25	184:19	59:12,18	referring	50:19
157:11	189:16	86:20 97:4	38:22	regular 24:6
159:6	193:24	99:18	63:16	25:16
282:10,20	195:4	126:15	130:3	63:18
282:23	234:13,14	173:14	155:24	213:14
recommended	234:17	183:23	168:22	217:24
159:9	256:21	214:25	170:17	218:5
recommen...	259:13	223:24	202:3	236:2
161:8	287:14,15	241:23	218:6,20	238:11
reconvene	287:19	242:2	227:13	285:8
179:25	289:18	270:14	228:18	287:12
record 6:10	290:15	303:19	231:4	regularly
7:11,22	292:12	reference	245:22	24:17
8:8 9:20	302:18	12:14,18	246:9	41:24
20:21	308:12	13:17	264:22	46:14
21:12 22:9	309:8,15	38:13	278:1	47:11
22:12,13	309:18	55:24 56:8	304:11	57:17
22:16 77:9	310:24	59:8	refers 38:3	92:22
77:10,12	record's	126:23	129:5,14	101:22
79:14	10:1	129:2	156:1	122:19
82:23 83:2	recorded	150:6	158:10	174:18
84:15	310:23	156:2	221:4	185:15,16
96:11,12	Recording	230:4	284:2	201:2,15
96:15 98:4	4:23 5:6	231:13	306:20	206:25
102:2	259:5	279:13,23	reflect	208:22
104:15	recurrence	304:22	117:18	211:7

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Fax: 314.644.1334

ELVIS CHAN 11/29/2022

212:2	relation...	remedy	222:20	6:8
226:7	24:24	249:19	223:7	remove 95:15
227:16	relative	remember	225:16	250:24
276:22	310:17,18	20:12	227:5,13	252:22,25
304:6	relay 104:21	23:24 24:4	227:24	removed
rein 126:19	105:6,8	24:6 25:12	229:9	149:24
126:24	108:4	28:1,7	230:11,14	159:23
reiterate	162:22	54:21 55:1	245:3	removing
99:23	164:11	62:25	247:14,16	147:18
188:11	165:6	88:10 93:2	247:18,22	154:8,22
reiterating	166:5	112:12	247:23	render 314:8
189:4	225:12,13	113:9	248:13,14	Renée 51:25
relate 18:2	254:21,25	123:7	250:10	53:12 85:5
46:12	267:13	149:21	252:9	85:11
102:11	296:19	151:16,22	253:2,2,6	renew 200:17
121:22	relayed	152:6,7,8	253:10,13	rent 72:17
149:14	163:10	152:13	253:21	72:19,25
238:18	165:24	153:7	254:10	rented 73:7
307:1	172:11	154:19	255:7	repeat 96:9
related 4:19	204:2	155:14,16	260:1,18	194:19
39:9 42:15	220:10	155:22	260:21,22	199:15
45:4 52:6	221:20	163:8,9	260:24,25	293:17
60:21	225:16,20	164:17	261:13	repeatedly
92:19	255:2,4	166:4,11	269:1,3,12	174:23
164:13	297:18	166:17,17	271:19,22	175:4,6
234:1,25	relaying	166:18,20	278:12,14	rephrase
261:17	167:16	166:22	281:16	27:21
262:7	168:17	171:4,7,16	282:2,24	105:19
270:10	223:8	171:18	284:24	166:25
283:9	297:21	172:12,23	288:25	253:16
286:10	ReleaseT...	175:21	289:9,12	297:16
290:25	149:15,18	181:20	296:9,11	report 14:22
305:16,18	relevance	182:11,21	296:14,14	65:23,25
305:20	194:5	182:24,25	297:2	80:11
306:14,17	relevant	183:1,11	299:14	86:19 87:1
307:3,6,14	103:8	186:8	304:5	87:1
307:20	105:1	192:1,4	306:16	102:18
308:2,6,8	126:19	200:1	307:2	103:14
relates 45:8	138:13	201:9	308:16	106:17,19
47:19	152:18	205:4,5,15	309:4	107:6,8,9
48:22	159:15	206:17,18	REMEMBERED	127:11
relating	242:19	207:13	6:3	131:7
52:11	relied 14:24	209:25	remembering	145:2,6
194:14,15	reluctant	210:1,4,10	306:2	159:19
233:5	104:12	212:2	Remote 2:6,7	161:5
244:25	relying	214:4,21	2:18,23	162:2
259:17	164:20	219:18,18	3:6,11 6:1	168:7
262:20	remain 69:8	220:12	141:1	261:19,23
263:16	173:11	221:16	remotely 6:5	262:10,25

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Fax: 314.644.1334

ELVIS CHAN 11/29/2022

263:5	274:19	requested	204:15	168:16
266:11,12	278:21	105:12	205:1	190:19
268:5	289:24	116:21	252:13	198:7,18
285:23	292:4	311:4,5	290:19	restate
286:5	293:7	requesting	291:13	167:20
289:17	repost 74:1	22:22	respective	restrict
290:9	76:3	require	49:11	143:12
298:23	158:12	298:15	156:15	result 35:25
reported	reposted	requirement	163:17	142:14
54:19	66:20	266:10	respecti...	148:22
167:11	reposting	requires	29:12	149:24
287:1	63:8,11	90:8	35:21	160:17
reporter	64:19 65:6	research	respond 9:23	166:19
1:24 6:7	65:7 67:24	15:14 31:7	104:9	203:5
9:21 10:8	71:5,23	31:19 56:8	138:24	266:5
11:10	73:14,16	56:21 60:2	204:14	resulted
105:12	76:6 86:6	61:12	215:3	67:13
169:11	86:6	69:17 73:4	272:8	118:18
196:14	157:23,23	74:6 75:9	282:21	results
216:22	represent	75:25 76:3	responding	137:9,10
241:12	7:1,21	78:21 79:7	9:15	148:21
258:25	22:23	79:10,18	158:20	206:12
259:12	23:17	79:18,19	response	Retaliatory
271:4,18	represen...	79:23	37:9,13	271:8
287:20	253:14,18	84:25 85:5	90:21	retired 47:8
310:8	represen...	85:7 100:7	103:9	return
311:6	24:15 27:4	100:10	167:2	312:17
reporter's	135:3	126:15	170:16	returning
6:21	198:9	141:17	179:8	191:10,10
reporter...	represen...	143:3,16	202:24	retweet 74:1
271:12	95:20	154:6	203:4	76:20,25
Reporters'	110:12,13	157:1	274:19	158:12
310:10	118:3	researcher	279:15,16	retweeting
reporting	211:1,4	51:25	292:8	76:18
79:23	represented	58:10	309:11	retweets
134:16	24:8	researchers	responses	76:16
reports 15:9	272:18	57:17 58:6	4:18 9:24	retype 291:5
104:5	represen...	58:16	21:15	Reuters
114:9	7:10,17	140:3,9	166:3	141:24
127:25	148:3,4	researching	169:17,25	reveal
131:3	Republicans	11:24	203:2	117:22
147:23	266:21	169:7	277:14	revealing
163:4	304:9	reside	responsi...	155:5
164:13	reputable	264:16	24:25	revelation
165:3	85:25	Resilience	153:16	142:14
167:16	request	170:22	217:14	revenues
241:8	103:3	respect 44:2	responsible	115:13
264:25	288:23	91:2	24:23	review 70:11
265:2	296:22	194:12	43:16	134:16

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Phone: 1.800.280.3376

Fax: 314.644.1334

ELVIS CHAN 11/29/2022

262:15	73:17	148:9	274:9	rolling
265:13	74:12,20	149:2,7,11	280:6	198:5
296:3	75:5,7,22	149:16,20	281:18	Roman 28:15
306:8	77:20,22	150:19	285:4	28:16 37:2
311:3	78:3,17	151:1,11	288:9,15	room 152:19
reviewed	79:6,12	152:24	292:23	rotate
79:7,11	80:13,18	157:12,16	293:12	207:15,15
165:1	80:19,22	157:19	299:5,17	rotating
263:18	82:5,14,15	158:2,7,13	303:9	44:20
265:4	83:16	158:17,21	304:23	Roth 4:20
266:3	84:10,23	159:3,9,17	306:21	45:19 46:5
268:6	85:10,17	159:23	308:25	124:17
288:1	86:1,17,20	160:3,15	right-wing	217:1,2
reviewing	86:24 87:5	162:10	144:16	222:23
91:1	87:14 94:1	163:6,23	rights	224:1,6,20
112:24	95:16 96:8	165:7,11	286:13	227:1
revolve	96:22 97:1	166:14	rises 266:9	228:2
266:5	98:7,23	168:12	risk 180:19	229:4
Rich 5:9	99:9,14,19	169:19	181:6	230:20
197:25	103:25	172:1	186:6,16	233:1,14
Richard 47:8	104:5,7	177:13,19	187:5	Roth's
125:7,8	107:11	178:13	188:5	223:13
rife 268:17	109:6	179:12	192:10,17	225:17
right 17:8	114:8	180:21	192:20	233:8
17:23 21:6	115:21	181:3,10	211:14,20	Rouge 3:5
23:14	122:17,24	181:16	212:8	roughly
26:15 29:6	123:23	183:12,14	282:6	39:25
33:20 35:1	124:11	183:16	RMR 1:24	253:5
35:16,19	126:21	188:16	RNC 16:7	round 300:17
35:25 36:4	127:1,8,15	196:25	Robert 65:24	RPR 1:24
36:6 38:1	128:4,13	214:12	257:13,15	RSA 271:22
38:3 40:14	128:17,24	217:19,19	257:18	272:18,20
40:22	129:7,15	227:11	robust 37:14	275:16,23
43:18,25	130:1,8,12	228:8,9	130:10	RSCC 16:7
49:24 59:6	130:17,22	232:11	132:2	ruled 122:11
59:10,15	131:18	236:25	Roderick	rules 9:6
59:20 61:7	132:12,25	240:16	46:1	rumors 227:9
61:17,22	141:12,21	242:5	role 43:8	228:6,16
62:9,10	142:2,4,8	252:10	72:21	229:16
63:9,12,21	142:11,15	256:15	135:1	run 19:7
64:4,11	142:21,22	259:8,25	154:16	281:17
65:1,15	144:3,14	260:5	193:12	running
66:20 67:9	144:14	261:7,9	217:12,18	98:11
68:2,10	145:11,17	262:3,7,13	275:5	Ruslan 6:22
69:14,17	145:20,21	262:21	290:5,5	Russia 38:3
69:19 70:6	145:24	263:8,13	roles 43:7	94:3,13
70:12,24	146:8,14	269:24	200:4	95:1 155:3
71:2,7,17	147:10,14	272:4,9,24	rolled	186:13
71:25 72:7	147:20,25	273:4	272:13	226:13,17

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Phone: 1.800.280.3376

Fax: 314.644.1334

ELVIS CHAN 11/29/2022

271:9	189:19	143:24	58:1 105:1	45:7 48:10
305:20,25	191:1,13	144:17	106:18	49:19 50:3
Russia's	191:17,24	145:20	107:2,5,13	50:18 51:9
37:20,25	198:11,13	175:12	107:17	51:12
38:4,5	200:13,16	190:12	108:19	56:23
157:15	201:16,22	227:18,22	119:23	57:23
158:2	202:8,14	236:21	128:3	58:25
Russian 4:13	203:11,25	286:15	135:4	61:14 63:7
11:3 12:3	204:16	Ryan 44:15	162:12,20	64:2,23
12:9,25	207:25		165:2,3,5	65:19
13:4,15,18	208:12,18	S	168:9,16	67:18 68:9
14:4,13,18	209:21	S 2:1 3:1	168:21	68:21 69:3
31:13,18	211:15	s-e-n 183:10	169:1	70:3,16
32:14,22	212:9	S-h-e-r-...	177:2,9	71:12
32:23	221:10	124:21	181:5	72:18
33:16 34:2	235:7,21	S-t-r-z-o-k	198:12	73:22
34:23 36:1	239:6	234:20	201:5	74:25 76:2
36:5 37:13	240:6,23	S-u-r 7:8,15	267:9,13	76:10,23
52:7,24	241:5	Sacramento	268:10,13	77:6,14
53:2,24	257:24	276:15	268:15	78:23
55:7 59:3	285:21	safety 43:3	272:16	79:17 82:5
60:2 61:11	Russian-bot	43:9,14,15	276:1	82:17,25
65:8 66:4	158:5	44:4,11,13	287:9	83:3,5,15
73:23	Russian-...	46:4,9,23	296:17,21	84:17,20
76:14,16	146:24	47:18	298:12	90:24 92:8
78:22	Russian-...	48:22	301:2,17	93:4 94:10
87:14 89:3	174:25	55:10,11	310:4	94:18
92:20 94:1	Russian-...	55:12	Sauer 2:6	95:10
95:9	35:3	135:17	4:5 7:2,2	96:11,17
126:25	Russian-...	152:20	8:6 11:14	97:14 98:5
127:11	64:15 67:8	153:12	12:1 14:10	102:10
142:15	80:6 89:9	217:6,12	15:1 18:5	103:2,14
146:7	96:8	292:11	18:20 21:9	104:19
152:3	112:17	293:4	21:13 22:1	105:19
158:10	141:15	safety/site	22:8,11,17	106:12
161:16,23	142:15	45:12,15	22:21	112:9
172:18	146:14	48:15	23:11	113:3
173:5	Russian-...	sales 114:24	26:17	115:4,18
175:16	144:11	Salgado 47:8	27:14,21	117:15
176:6	Russians	125:7,8	28:18	121:21
177:22	13:21,25	Sam 135:6	30:19 31:1	122:2,15
178:5,20	15:16 29:5	137:5	32:25	128:17
180:19	29:23	138:1	33:18	129:12,23
181:15	30:14,21	Samaradun	34:13,21	131:5
182:9,16	31:25	135:7	35:11	132:10
184:8	59:24	San 6:7,20	36:12 37:1	133:19
185:11	63:19 64:1	8:12,14,18	37:6 38:10	137:10
186:6,16	64:1 73:24	24:18 25:4	41:16,21	138:14
188:5	74:18	50:12,12	43:15,22	139:10,18

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ELVIS CHAN 11/29/2022

140:10	239:2	166:18	sciences	second 13:18
141:6	240:13	190:22	48:25	16:16 17:6
143:10	241:9, 14	195:21, 24	Scott 2:6	29:24
144:8	242:7, 12	196:3, 6	7:5	51:18
146:12	242:23	211:25	screen 28:10	52:22
147:2	243:1	213:18	28:19	71:13
150:15	246:6, 17	220:5	51:14	86:21
153:23	252:10	227:25	197:10, 15	93:18
154:7	256:24	244:18	216:20	107:14
157:6	258:15, 20	247:16, 18	241:16	128:16
160:13, 25	258:22	247:22	242:21	169:10
162:10	259:2, 11	256:6, 13	255:8	182:3
164:2, 4, 9	268:4	261:11	271:7	194:13, 14
166:8	269:1	266:20	277:15	225:1
169:3, 13	270:14	270:7, 18	287:25	241:10
169:20	271:1, 6	304:8	292:14, 20	252:10
171:2, 20	274:18	says 38:20	298:5	276:16
173:2	277:20	70:16	303:2	279:23
174:14	282:16	80:20	screening	294:6
175:8	283:11	83:17, 19	42:17	295:15
176:16	287:13, 22	84:11	scroll 28:14	second-h...
178:24	292:13	127:10	129:12	109:23
179:6, 12	293:19, 21	170:21	277:20	seconds
179:20	294:2	171:3, 4, 13	278:25	242:22
180:6, 8, 15	299:16, 24	217:1, 6, 8	279:15	section 37:7
184:23	300:3, 10	217:23	300:16	109:7
187:12, 23	300:14	225:2	scrutiny	121:23
188:14	302:21	227:8	117:8	175:18, 21
189:2, 10	303:4	228:2, 16	131:13	184:6, 10
189:15	306:11	229:15	Scully 25:13	184:12, 21
193:5, 23	308:10, 16	230:20	25:16, 19	185:1, 4, 6
195:12, 21	309:14	232:12	26:12, 14	245:12
196:16, 25	save 298:4	243:7	26:22 28:2	310:14
197:10, 14	saved 298:7	244:10, 25	152:7, 10	sector 16:17
200:5	298:10, 13	245:15	152:13	18:7 20:10
201:6	saves 89:5	303:5	154:13	155:6
202:11, 22	saw 50:25	304:7	212:3, 21	231:24
204:25	157:1	Scandina...	221:21, 25	238:10
208:7	174:12	210:9, 11	278:8	sector-e...
210:15	268:21	schedule	281:16, 22	105:6
213:2	286:12, 15	20:2	Sean 200:7	secure 99:1
214:3	301:24	scheduled	200:15, 23	295:17
215:19	saying 10:9	300:18	201:7	302:14
216:17, 24	73:10	scheduling	search	secured
224:18	82:14, 16	288:13	111:18	81:14
229:3	91:5	School 4:11	251:8	236:12
231:10, 25	106:13	10:16, 19	294:11	securely
233:14	131:7	science	season 13:15	99:11
234:12, 19	133:3	10:14	16:11	securing

ELVIS CHAN 11/29/2022

154:16	126:14	292:14,19	sending	271:2
security	127:9	293:11	232:16	292:21
10:17	128:9	300:4,18	263:22,24	304:5
16:23	132:14	302:23	288:20	306:9
18:17	136:2	303:2,3,10	304:3	sentence
24:12	137:18	303:23	306:12	29:1,4
43:10,13	146:3,4	seeing 53:4	sends 264:4	35:16
45:13	150:23	156:15	senior 16:14	37:17 75:7
46:15	152:25	201:4	45:19	75:12
47:16 48:2	165:10,13	261:7,16	46:16,24	77:16
50:15 54:9	169:14	285:20,24	47:7,10,15	84:12
111:14,21	170:1,3,10	286:6,21	48:13 49:3	100:5
111:25	174:8	287:6	123:11	128:15
112:5	196:18	300:7	125:3,13	129:12
138:4	197:8,10	306:1	131:14	141:23
151:11	197:15,17	seen 20:11	175:17	144:20
152:16	198:1,2,15	173:8	200:10	151:9
160:9	207:2	174:11,15	222:1,6	160:25
161:9	216:24	207:8	237:25	170:3
170:22	217:22	278:19,20	246:4	219:22
171:7	218:1,4	278:24	senior- 46:7	221:5
200:9	219:4	seizure	senior-l...	224:20
201:19	221:5	249:19	25:10,11	225:1
202:7	223:5	250:4,24	44:16	227:7,8
217:25	225:25	251:7,9,13	123:6,9	245:15
218:1	227:11	252:4	sense 220:13	273:23
231:1,6,11	228:10	Select 79:24	sensitive	sentiment
231:15,24	230:1	116:12,13	20:19 21:4	209:20
278:18	231:2	116:15	21:17	222:14,19
see 28:15,17	241:14,17	selector	283:25	Sentinel
28:18,20	241:17,19	100:16	sensitivity	289:19,24
28:22,23	241:22	selectors	243:19	290:9
28:24 29:3	242:24	30:2,4	245:20	291:25
35:20 37:3	243:2,5,22	32:22 33:5	247:6	292:1
37:4,10	243:23	113:8,10	255:11	separate
38:17 51:5	245:20,21	199:10	sent 27:12	97:23
51:14,17	247:9,25	self-del...	90:9	121:5
51:20,22	252:3	297:23	112:11	131:15
55:23,25	255:8	298:2	127:13	280:10
65:13,15	259:2,4	Senate 4:21	161:12	295:9
67:4 69:7	261:6,10	116:13	165:2	305:4,5
77:23	261:22	117:24	196:24	separately
78:24 79:2	262:11,23	241:21	197:11	135:12
81:1,2,16	266:7	send 27:11	198:23	separatist
83:19	271:6,14	98:25 99:3	232:15	69:19
84:18 85:4	272:2,5,7	101:20	266:5	September
86:25	277:14	107:23	267:3,4,9	4:14,16
114:18	279:16,17	265:12,19	268:10,13	10:20
126:7,9,12	280:2,3,7	296:1	268:15	11:19

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ELVIS CHAN 11/29/2022

151:10	session 77:3	106:2	36:23	100:5
155:12	141:2	108:6,8	sharing	219:16
292:17,22	234:11	112:7,25	16:17 17:7	shortened
series	sessions	113:24	17:15,15	29:22
128:11	96:19	120:19	17:18,22	shorthand
279:8	set 4:18	131:20	17:25 18:9	6:6 88:3
seriously	27:17 31:8	136:4,9	18:10,18	310:7
114:20	31:9,13	137:9	18:21	shortly
115:1	109:17	138:2	29:11,14	172:20
serve 199:5	181:12	152:19	29:16 32:4	192:11,14
266:8	182:8,12	197:11,16	32:10	219:3,11
server	182:18	213:16	33:20 34:1	219:13,25
195:22	258:16	216:20	35:19,22	220:18
198:15,21	279:25	241:16	36:17	221:11
198:23,24	297:5	255:8	37:19,24	241:25
199:8,17	sets 150:6	258:23	39:1 50:8	244:19
servers	177:12,21	271:7	88:20	shortt@a...
13:12	181:7	273:12,20	96:19 97:6	3:7
service	204:4	274:13	100:12	shots 298:5
43:24	setting	277:13,15	103:22	show 139:23
49:11,20	120:21	283:16,17	128:22	216:17
90:23 91:1	288:6	292:14,20	130:16	241:9
91:22,24	291:17,18	296:23	136:10	244:21
92:1,6,9	seven 24:5	300:11	160:3	271:1
92:19 93:9	50:9	302:24	171:5	287:23
93:19	101:22	308:23	198:4	showed 27:7
129:8,19	288:12	shared 16:18	232:13,15	278:14
130:5,22	seventh	19:1 29:24	273:25	showing 11:7
132:2	293:10,19	31:10	274:6	169:9,13
138:5	293:20	42:15	300:22	196:16
153:18	shake 182:6	50:23 62:3	302:1	shows 66:22
165:13	shaking 10:2	78:9 88:7	304:23	shut 37:21
166:7,10	Shane 46:24	100:22	305:7	37:25 38:5
205:7,25	47:3 125:9	103:7,13	sheer 84:11	76:5,17
206:4,6,8	share 28:19	130:19,20	84:21	87:8
206:19	30:18	143:1	SHEET 313:1	side 23:21
235:7	33:13 35:8	156:13	sheets	24:7 25:8
248:3,25	50:21,22	160:6	312:10,14	34:1 44:13
249:4,25	50:24 51:2	166:19	312:17	46:14,24
250:19	51:14	167:1	Shelby 222:7	47:12,18
252:7,13	88:13,25	208:5	Sherrer	48:15,22
252:23	89:22	209:20	46:17	87:25
253:23,25	92:21 95:8	222:19	124:18,19	110:6,6,20
262:16	98:7,10	232:2	124:20	111:21
267:21,22	99:24	287:8	shift 162:22	112:5
274:2,3,8	102:8,15	304:21	shifted 29:5	120:24
SES 109:23	102:16,24	305:2,4,12	shifts 144:7	124:3
179:5	103:11	shares 29:19	307:10	153:16
302:19	104:10	32:16	short 3:6	161:10,10

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ELVIS CHAN 11/29/2022

172:10	48:21	Slipping	94:6 95:20	162:23
191:20	97:24	284:23	96:4,20,25	163:16
224:12	142:2,15	slotting	97:8 99:14	165:6,10
280:13	144:10,11	54:1	99:18	165:12
Siegel 124:2	144:14,16	slowly 10:7	100:20	166:3
sign 81:15	144:21,24	smaller	101:21	168:19,20
312:14	145:4,5,7	51:16	105:10,24	168:22,25
Signal	145:9,11	Smith 76:12	106:14,22	172:24
295:12,22	145:17,19	Smith's	107:16,24	173:3,18
296:15	146:2,13	76:18	108:22	176:10
297:5,12	153:12	social 4:12	110:20	177:18,25
297:13,23	217:4,8	11:5 12:4	111:2,3	180:18
298:1,6,9	230:21	12:6 13:20	112:8	181:3,10
298:12,16	232:12	13:24 14:2	113:10	182:10,13
298:20	293:4	14:3,22	114:22	183:3
299:17	sites 13:23	15:3,5,15	116:17	187:6
302:3,8,10	14:4,19	17:16,20	117:16	189:20,25
signature	15:4 77:20	18:18,25	118:3,5,7	190:15,21
312:10,14	78:2	23:20 29:9	119:10,15	190:24
312:18	142:19	29:19 30:5	119:25	191:19
313:25	143:9,13	30:13,22	120:3,11	192:2,9
significant	146:18	31:11,23	121:4	204:3,10
85:8	251:7	32:4,11,12	122:16,17	204:13
132:11	situation	32:17,18	122:18	205:2,5,6
similar 63:6	143:22	33:5 35:17	123:17	209:5,11
93:7 94:25	146:5	35:23	127:5,19	209:13
101:15	248:4,16	36:17	131:23	210:12,15
110:21	250:19,20	37:20	133:5,15	210:20
174:8	251:6	39:19,19	135:11,21	213:11
205:22	264:9,11	41:6,17	135:24	215:23
212:14	264:12	42:3,8	136:3,15	216:1,7,10
222:14	265:5,20	43:2 49:8	137:3,12	218:16
288:16	situations	50:23	137:24	222:11
294:17	64:15	59:18,23	138:16	223:4
similari...	212:17	60:3,6	140:1,8	225:5,14
95:8	297:17	61:1,5,20	143:8,10	225:21
Sincerely	six 100:24	63:15	143:12	227:15
312:21	108:16	64:12 69:6	144:9,22	234:4
single 98:18	194:10	69:14 70:5	145:10	241:6
112:15	219:14,15	71:15,16	146:13,16	248:14,17
sir 8:10	220:6	71:21,24	146:19	249:12
61:23	236:5	72:9,10	147:2,24	250:6,12
189:3	288:11	75:14	151:3	252:16,20
259:2	size 73:1	77:18 80:1	153:10,15	255:22
site 43:9,16	skills	80:3,8	154:3,10	256:18
44:11	208:12	82:7 84:12	156:11,13	261:17,23
45:17 46:8	skip 78:23	84:21	159:16	261:24
46:23	Skype 236:8	85:15,16	160:7,8,18	262:10,13
47:18	slash 81:2	87:5,13	161:10	262:14,18

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ELVIS CHAN 11/29/2022

265:2, 21	someone's	283:20	168:21	110:23
266:12	266:20	307:20	257:2, 12	116:2
267:14, 19	soon 272:11	sorts 59:23	257:13, 15	124:10
269:19	sorry 6:11	94:25	257:17, 19	129:18
270:14	30:8 31:2	109:20	257:22	139:4, 11
273:3, 9, 17	40:12	121:13	258:2	151:16
273:25	48:10	136:23	specific	153:7
275:21	52:16 55:3	139:8	14:15	154:5
279:3	82:24	140:2	31:22, 22	162:17
280:19	95:24	285:23	32:5 60:12	164:16
283:21	104:10	286:5	90:4 96:6	168:8
285:12, 22	106:4	sound 210:8	96:7, 25	173:14
286:2, 25	107:1	sounded	97:7 99:18	174:11
287:3	110:22	210:11	100:19	178:10
288:5, 12	116:11	sounds 114:8	123:2	186:19
289:21, 25	120:14	136:13, 21	154:25	188:14
290:10	123:7	212:12	173:23	201:15
291:13	148:13, 22	231:23	190:3	202:12
293:2	161:22	288:9	192:10, 19	205:19
294:19, 23	177:6	source 33:4	199:10	207:21
295:11	179:16	75:18	203:14	212:7, 11
296:12	180:7	85:25	212:17	220:12
297:8, 15	183:15	145:14	222:20	227:25
297:20	196:23	146:14	226:10	228:22
298:9, 14	207:20	163:14	232:19	231:12
298:24	218:4	sourcing	245:3	245:11
306:25	253:16	230:25	248:13	249:3
307:19	259:9	sow 61:12	268:16	257:13, 15
software	265:18	141:19	282:12	257:25
72:22, 23	283:15	sowing	283:16, 21	261:13
136:1	288:13	286:16	291:12	268:8
Solarium	292:23	spam 90:5	296:2	269:2, 3
159:7	293:16	99:5, 6	297:2	271:22
sole 11:15	294:9	spanning	306:20	275:10
solely 189:8	sort 15:21	237:1	specific...	276:1
189:11	22:7 30:20	speak 120:22	12:4, 7	277:1
solution	44:9 67:11	speaking	13:5 17:21	280:14
250:7	67:12	59:25	18:16	295:3, 6
252:5, 11	72:12	69:21	25:12	296:17
solutions	85:13	94:22	29:19 30:1	303:14
252:3, 8	105:9, 15	186:2	31:14, 19	308:8
somebody	121:10	235:16, 17	32:9 35:22	309:4
7:13	138:10	243:4	38:23	specificity
112:18	149:18	253:22	42:14 44:5	164:6
264:25	159:21	271:24	45:5 62:19	304:16
266:19	166:8	speaks	80:10	specifics
267:24	187:9	110:10	85:14 91:7	114:6
somebody's	248:16	special 8:11	91:11	166:17
139:12	261:19	65:22 87:1	105:15, 16	172:13

ELVIS CHAN 11/29/2022

195:14	spell 58:12	301:4	52:1 53:23	state-sp...
235:16	124:19	staffer	54:2 55:21	14:5 33:16
251:12	181:25	123:9	56:11	34:23
253:21	210:2	staffers	57:25,25	39:10,13
254:10	spelling	117:20,24	Star 275:6,7	52:20 60:2
282:22	124:20	118:8,15	Starbird	95:7,8,9
speculate	spellings	118:24	55:24 56:2	187:4
115:17	183:11	119:9,22	58:20	285:21
304:6	spent 169:6	119:24	start 41:21	307:24
speculating	spoke 210:20	120:9	41:22 44:7	stated
115:10	210:24	121:2,3,4	197:14	128:11
speculation	211:1	121:7	started 23:5	191:4
34:6,20	212:2	122:23	171:17	statement
35:7 36:8	236:17	123:4,6,13	177:12	127:17,22
41:14 48:7	283:4	123:15,19	starters	225:17
49:14 50:1	spreadsheet	124:5	123:25	245:21
57:22 61:9	100:17	125:17	starting	260:18
63:23	101:2	127:13	116:15	264:6
67:15 68:5	112:11	stage 122:10	170:3	273:16
68:17 69:1	squad 105:6	Stamos 54:4	261:3	statements
70:14 71:9	106:1	54:5 55:6	272:2	122:21
72:15	107:20,21	57:20,25	state 1:6	states 1:1
73:19	193:9,13	58:5,8	3:3 6:8,14	7:15 19:7
74:22	193:14,17	stamp 267:12	7:3 8:7	19:10 34:4
76:22	194:20	stance	16:24 19:2	84:22
78:19 82:1	198:7,10	159:10,11	134:15	141:21
104:15	198:11,13	stand 121:24	136:4	154:25
114:16	198:18,20	168:14	138:24	162:19
115:15	198:20	303:15	139:14,20	170:6
117:12	235:10	standard	139:22	194:1,17
137:1	251:13	19:5 98:9	140:3,7	196:21
138:21	257:21,25	standards	156:22	240:16
150:11	squads 105:5	90:16,23	190:5	241:20
153:21	106:25	92:7,10	202:9	269:9,10
160:22	107:2	129:19,22	209:2	285:16
213:1	108:5,16	205:7	219:2,8,24	statistic
215:17	ss 310:3	standing	226:8,10	148:25
224:4	SSCI 116:2,9	22:18	227:18	statistics
228:20	116:9,13	143:3	259:5	241:3
231:8,19	118:8	standpoint	265:22	status 214:5
240:10	119:6,8,17	15:6	269:8,16	239:22
245:25	St 2:22	137:21	283:1	statute
246:11	265:24	174:10	285:16	270:2
274:11	266:6,24	211:18,21	310:2,8	stay 69:4
299:12	267:1	272:16	312:5	82:6 83:9
304:13	312:19	stands	313:2	249:23
305:3	staff 16:14	145:23	314:1	stealing
speech	141:25	279:10	state-	59:9
262:11	staffed	Stanford	172:15	steer 70:19

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ELVIS CHAN 11/29/2022

stenogra...	86:23	subjects	188:4,15	257:1,5,7
310:23	108:8	149:15	188:20	supporting
step 68:9	156:14,24	submit 263:2	189:18	154:17
steps 50:6	278:23	submitted	190:1,14	suppose
73:14	283:12,15	263:16	190:23	60:24
204:15	287:5	265:9	202:13	68:21
232:6	strategi...	268:22	234:9	74:16
Steven 124:2	16:18	subpoena	245:8	76:12
Stevrud	108:6	266:8	suggested	supposed
210:9	Street 2:5	subpoenas	191:7	143:7
Stewart	2:11,17	111:18	206:4,5	suppress
135:6,7	3:5,10	subscribe	243:18	233:4
136:21	312:3,19	314:10	245:19	Sur 2:12 4:6
137:5	strings	Subsection	247:5	7:7,8,14
138:2	32:18	69:13	255:10	7:15 11:25
sticking	36:23	Subsector	302:10	14:9,20
77:14	strive 127:7	284:13,17	suggesting	18:3,13
308:5	127:21	subsequent	106:5	22:5,10,25
stolen 235:6	strong 227:5	199:11,11	241:4	23:1,7,17
stood 167:24	stronger	199:16	suggestion	26:16 27:5
216:2	255:16	subset 66:7	34:11	27:19
stopped	strongly	149:4	Suite 2:17	28:16
89:23	224:8	150:1,13	3:10	30:16,24
272:9	Strzok	254:19	summarize	32:15
299:17	234:19	281:7	31:17	33:11 34:5
stored	235:9,12	substance	summarized	34:19 35:6
291:23	237:19,21	289:9,12	144:6	36:7,19
292:1	238:3	314:7	summary 37:7	37:5 41:13
stories	239:5,14	substantive	100:5	41:19 43:4
215:1	239:18	129:2,14	147:10	43:19
243:25	studies	129:16,24	290:8	44:25 48:6
story 141:24	10:17	133:11	291:5,6	49:13,25
155:5	study 87:3	136:14	summer	50:10
156:1	stuff 73:16	157:3	275:16	51:11
213:21	75:13,17	289:14,21	Sundar	56:18
214:1,16	75:19	substant...	116:25	57:21 61:8
214:19	131:6	283:4	super 31:5	63:4,22
232:7,24	147:24	success 64:3	Superior 2:4	64:20
233:5,6	159:21	64:11	supervisor	65:11
234:2	252:17	144:25	193:9,14	67:14 68:4
252:14	style 205:20	167:5,7,9	257:8	68:16,25
253:9	subcommi...	167:12	supervisors	69:23
308:15	284:9	successful	106:1	70:13 71:8
strategic	subject	223:20	107:9,10	72:14
29:21	180:3	224:15	107:19	73:18
30:12	187:9	225:10,13	supervis...	74:21
31:10,16	215:1	suddenly	106:24	75:23 76:8
31:17	223:1,15	247:20	107:2	76:21 77:1
50:25	303:5	suggest	supervisory	77:8 78:18

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Phone: 1.800.280.3376

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ELVIS CHAN 11/29/2022

79:13	179:16	sure 9:15	302:15,16	103:23
81:25	180:4,7,9	14:11,12	systems	104:2,4,7
82:24 83:4	187:8,15	28:20	59:13	112:6
83:6 84:15	188:6,22	47:14,25		113:19,25
84:19	189:9	58:15 73:5	T	114:19,22
90:20 92:3	193:2,19	73:8 88:20	T-h-i-b-...	115:1,9,19
92:16 94:8	194:25	112:15	256:20	137:15
94:16 95:5	196:23	151:25	table 65:15	142:13
97:10 98:3	197:6,12	152:12	86:13	143:12,19
102:1,21	199:22	169:4	147:9	150:8
103:4	200:17	182:1	tactical	160:13
104:14	201:24	218:9	16:19	163:4
106:4	202:16	272:22	29:25 30:1	166:12
111:7	204:17	273:9,18	31:16,21	171:9
112:20	208:2	294:5	32:1 42:14	219:9
114:15	210:14	surface	96:4,21,24	220:9
115:14	212:25	138:9	97:8 98:15	223:24
117:11	213:23	surmise	99:8,12	227:22
121:11,24	215:17	306:16	108:9,12	228:3
122:9	224:3	307:5	111:1	242:3
132:5	228:19	Suruchi	283:12,17	249:9,13
133:13	231:7,18	48:13	tactical...	249:18,18
136:25	233:7	Surveill...	32:5	250:1,4,4
137:25	234:8	111:23	tactics 29:5	250:14,21
138:20	238:23	suspending	29:22	250:22
139:16	240:9	232:3	143:23	251:3,9,11
142:25	242:10,20	suspicion	TAD-KDM 1:9	251:17
144:4	242:25	243:20	take 10:8	252:6,11
146:9,20	245:24	247:7,13	14:6 21:8	252:17
150:10	246:10	247:21	30:11	254:1,3,9
153:20	251:23	255:25	32:24 33:9	262:2,5,13
154:1	258:19,21	256:5	33:13,19	262:19
156:19	259:9	Sussmann	33:22	269:21
159:24	268:2,20	194:17	34:10,16	270:16
160:21	270:4	196:22	34:24 35:4	274:4,16
162:6	271:3	197:20	35:12	278:21
163:25	274:10	198:3,9	43:23 61:4	286:17,25
164:3,7	277:17	swing 240:16	61:19	287:1
166:1	282:8,18	switch	63:14 64:2	291:3
168:23	293:16,20	219:14	64:23 66:7	296:4
169:10,18	293:23	sworn 8:3	67:6 70:9	299:16
170:25	299:11	228:2,8	71:2 72:9	takedown
171:15	300:2,7	310:15	73:13,22	76:17
172:21	302:19	sync 291:14	74:10 77:4	118:18
174:1	303:1	synopsis	79:3 87:16	126:24
175:2	306:7	12:2	90:13	132:13
176:13	308:13	system	93:25	takedowns
178:24	309:9,13	289:18,20	98:13	29:11
179:4,10	312:4,7	292:2	102:19,25	32:10,11

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ELVIS CHAN 11/29/2022

35:19,24	249:6	131:22	110:8	129:15
36:17	251:15	144:13	170:24	telephone
68:22	287:17	155:19	184:22	89:2,3
114:9,20	312:8	170:13,18	207:2	296:22
115:3,6,20	313:3	236:16	250:16	Teleporter
116:19	talk 10:7	247:17	276:2	99:3,4,7
117:10	23:3 37:7	259:24	303:14	99:10,25
125:20	50:4 53:12	277:23	309:1	101:23
128:24	64:9,17	278:5,6	team 43:11	107:23
130:17	69:13 75:3	280:5	44:4 48:3	108:4
131:4	79:4,10	288:7	85:6,11	112:11
132:12	87:11	talkers 10:6	145:2	295:16
133:21	107:24	talking 13:6	170:23	296:6,22
147:10	118:24	38:19	217:8	297:13
148:21,22	122:16,17	39:21	230:21	298:21,22
149:10	122:18	44:10 70:9	232:12	299:4
150:7	124:1,6	94:3 95:10	257:17	302:3,8,12
taken 12:6	132:11,22	95:11	300:6	306:13
16:15,16	134:11	107:15	302:25	tell 8:3
22:14	149:9	112:13	teaming	15:8 20:21
33:17 34:2	150:24	133:4	56:13	48:10 88:1
37:18	154:18,21	154:19	teams 43:3	88:2 89:8
64:12	159:13	159:21	43:16	89:10 90:1
68:23,24	175:15	177:11,13	153:13	90:1,3
69:10 76:5	182:12	194:9	tech 4:21	97:25
77:11	191:16	197:9	27:4 128:2	103:24
81:21 90:6	231:25	218:22	241:20,24	104:12
96:14	237:20	228:4	259:23	113:17,23
103:16	239:2	231:14,23	260:2	114:1,3,4
104:18	240:13,14	246:5	279:7	114:7
106:9	280:16	260:8	302:7,9	120:9,11
114:2	283:1	262:6	technical	120:16
127:6,20	285:15	270:17	106:6	151:19
130:7	288:18	273:1	technically	161:20
131:6	289:4	275:24	209:13	172:6,17
133:12,25	299:7	290:17	techniques	192:9
134:2,7	talked 49:7	300:16	112:3	201:21
136:15	54:16 56:4	talks 231:5	195:6,14	204:25
139:13	56:6,9	255:9	technolo...	236:21
140:16	57:1 65:5	279:1	87:25	245:11
142:13,16	68:22 71:4	targeted	technolo...	253:5
147:4,6,13	84:9 86:4	14:8	270:22	256:3,8
160:18	89:17	173:15	technology	258:17
165:11,14	95:12	201:17	87:21 90:4	260:10
166:5,24	97:23	targeting	136:19	270:9
167:3,10	105:25	80:16	204:21	293:13
167:13	107:11	84:22	272:17	telling
180:12	123:21	task 24:16	273:6	296:12
234:16	127:14	38:23 39:7	technolo...	ten 110:8,16

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ELVIS CHAN 11/29/2022

113:25	134:18	thereof 6:5	256:19,19	69:3 71:13
163:9	testified	thereon	thing 30:8	74:3 75:5
tend 207:15	8:5 59:2	314:9	52:22 61:1	82:5 84:3
tens 101:19	96:20	thesis 4:11	67:11,12	84:7 87:11
tenth 300:1	131:14	10:24 11:2	176:2	89:24
300:2	156:4	11:9,13,22	261:5	91:18
term 30:3	164:2	12:2 13:3	295:24	98:21 99:6
131:1	180:17	13:17,19	299:16	99:17
294:9	260:2	14:1,16,21	things 9:25	101:21
terms 18:18	269:21	14:21	23:12	106:12
43:24	283:12	15:23,25	43:18 45:4	115:4,23
49:11,20	293:1	16:21	48:18	118:21
70:1 90:23	306:19	17:12,19	50:11	122:20
91:1,22,24	308:14	17:21	61:20 62:1	123:9
91:25 92:6	testify	28:10 29:4	71:20,22	129:5
92:9,19,22	116:22	32:9 36:14	73:14 97:1	133:19,24
93:9,19	117:1	37:7 50:4	99:14	137:20
112:23	128:2	51:7 53:7	104:12	138:13
121:20	131:25	56:8 58:23	108:2	139:20,21
129:7,18	241:24	59:4,14,19	111:3	139:24
130:5,21	testifying	63:16 64:2	114:24	147:16
132:2	23:23	64:9 69:12	115:19	148:11
153:17	169:7	77:15	125:16	152:16
165:13	testimony	78:25	130:6,6	155:19
166:7,10	4:21 36:20	79:19	201:3	156:7
195:13,16	49:14	84:16 86:1	210:13	165:20
205:7,25	83:24	87:11 94:4	230:24	171:21
206:3,6,7	208:3	94:24 97:4	258:23	172:10
206:19	230:7	126:5	269:3	176:18
248:3,25	241:21	128:7	274:19	177:11
249:4,25	243:15,24	132:21	295:22	180:23
250:19	245:16,23	134:10	296:8	183:22
252:7,12	246:2,5	141:7,10	299:14	186:21
252:22	255:9	144:7,20	306:21	189:15
253:23,25	259:24	147:8,16	think 10:5	195:9
262:15	267:17	147:22	11:18	209:19
267:21,22	310:23	148:2,6,18	12:25 13:9	214:11
274:2,3,8	311:1	150:22	16:11,21	221:21
terms-of...	text 51:8	151:8	17:6 19:17	224:18
93:2	texts 304:8	157:7	19:19 22:6	225:11
130:24	Thank 22:21	161:16,23	24:5 31:23	227:17
167:13	77:8 114:4	169:6	32:8 50:9	228:18
248:15	thanks	240:13,19	51:12	229:8,15
territory	103:15	240:22	54:23,25	234:11
25:4 50:13	243:6	241:23	54:25	240:14
58:1,4,18	304:1	286:11	56:24 59:5	241:3
164:22	Thanksgi...	they'd 49:19	59:17 64:9	242:2,18
169:2	307:17	236:11	64:14,16	247:23,24
terrorist	themes 70:19	Thibault	65:21,21	249:16

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ELVIS CHAN 11/29/2022

251:1	85:1	8:19 19:21	275:2,22	32:21
252:24	thousands	24:2,4	294:16,21	45:20
253:12	64:16	26:24 28:5	299:8,10	87:20,20
254:2,6	93:12	42:24	306:2	92:6
256:7	101:5,6	46:16	307:16,17	118:13
262:12	thread	48:19	timeline	123:19
268:6	289:10	53:14 54:8	32:8	132:19
272:23	threat 264:2	60:18 77:7	times 97:18	135:12
273:1	264:3,7,25	89:20	98:22	147:3
278:5	285:18,19	100:10,11	100:24	149:2,5
288:23	292:10	102:14	101:9,14	150:16
289:8	threat-t...	114:7	102:16	164:4
291:2	264:12	120:6	117:4	173:4
294:15,25	threats 52:6	125:12	131:25	176:10
295:1	52:8,10,13	130:12	155:5	215:21
296:11,25	52:14,15	162:18	156:1	216:12
297:4	52:18 54:1	163:2,6,23	167:10	222:24
301:14	157:5	166:13	170:13	225:2
302:2	202:10	168:17	175:6,7,14	227:1
306:19	243:8	169:6	Timothy	256:13
307:4	244:4	173:10	256:19	260:7
thinking	264:21	187:12	tip 143:8	276:6
91:7,11	272:24	190:16	tips 263:18	297:10
100:2	283:6	191:9,12	tired 307:9	Tom 259:16
119:2,5,7	301:24	192:15	title 8:11	259:20
173:19	three 8:20	194:5,7	11:2	261:12
third 3:5	12:6 15:24	205:23	111:17,22	tons 268:17
14:23	17:19	206:14,16	257:6	tools 29:21
16:20,20	18:25	213:3	259:4	34:16
77:17	19:19 20:3	215:8,10	260:11,15	136:23
141:24	40:18	215:14	260:17	139:2
158:15	69:25	217:15	271:8	top 51:21
291:21	110:8,10	222:6	titles 184:3	126:14
292:7,13	110:12,22	223:21	today 7:18	128:21
292:18	118:9,25	228:25,25	9:8 10:7	157:10,14
297:21	120:17,18	230:8	23:18	166:11
third-party	123:14,17	231:22	28:21	197:14
15:9	131:15	235:4	145:15	292:24
thoroughly	154:25	237:3,9,21	159:22	308:4
117:25	185:1	238:24	169:8	topic 11:23
thought 81:3	207:19	239:15	170:18	164:14
196:2	210:21	244:23	232:21	233:1,11
210:11	239:21,22	245:4	287:24	233:21
229:13	240:16	261:6	288:7	282:12,14
294:14,15	286:1	262:17	308:14	topics 49:2
thoughts	ties 71:13	265:11	today's 6:10	149:14
53:4	115:4	267:10	309:17	280:15,23
145:11	tight 110:3	268:24	Todd 2:6 7:5	285:11
thousand	time 6:11	270:7,11	told 15:7	286:14

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Fax: 314.644.1334

ELVIS CHAN 11/29/2022

Torrey 44:16	31:18	157:15	91:13	43:5 46:1
total 107:15	92:20	198:14	102:12	47:9,10
123:15	Trolls 4:11	262:2,19	110:24	53:15 59:3
147:12	11:3	270:15	112:19	85:10 89:6
touch 288:19	trove 243:19	Tuesday 1:16	118:11,13	91:8,10
289:3	247:6,12	6:3 162:15	119:10	92:22 93:1
touch-sc...	248:1	167:22	123:20,22	94:12
19:12	256:4,8	168:6	124:14,15	95:12
TPPs 29:22	true 91:6	265:7	124:24	99:20,22
TRACY 3:6	226:2	266:1,21	125:2,18	100:5
traffic	310:24	269:5	125:19	102:16
77:20 78:1	314:8,12	292:22	128:22	106:13,24
training	Trump 304:10	293:12	130:15	107:1,19
16:5 17:2	trust 43:3,9	294:1	131:12	108:15,16
139:4	43:13,15	300:4	132:12,19	110:9,11
270:9	44:3,11,13	301:17	134:1,8	110:13
transcript	45:12,15	turn 28:12	149:9	111:15
4:22	46:4,9	298:3	150:6	115:22
241:21	47:18	turning 50:3	152:24	123:12
259:20	48:14	69:12	210:23	125:3,13
260:20,23	55:10,11	144:19	211:3	125:15,21
261:2,14	55:12	255:7	217:5,9,14	126:13
271:13,18	135:17	turnout 79:6	218:15	137:17,19
272:1	153:12	turnover	219:23	143:3
310:24	217:6,12	124:25	220:10	144:19
311:4	292:10	turns 250:14	223:4,11	146:22
312:13	293:4	tweet 63:3	225:6,15	149:10
transcri...	truth 8:3,4	tweets 76:4	227:16	151:16
4:23 5:6	8:4	149:11,23	228:1,23	177:11
259:5,12	try 60:16,19	232:15,16	229:11	184:15,25
transfer	61:16 94:5	232:17	232:1,3,6	204:4
99:2	103:7	twenty-f...	232:12,13	208:14
295:17	104:6	302:21	232:22	225:9
302:15	119:11	twenty-s...	233:3,15	239:1
transparent	136:16	306:5	233:16,19	243:24
245:13	146:25	twice 26:4	248:18	249:9
Trek 275:6,7	155:1	42:6	252:21	252:8
trenches	199:2	Twilio	253:15,20	264:20
38:15,20	245:13	238:14,16	254:23	274:15
50:5,7	264:15	238:21	286:3,5	275:14
79:12	trying 31:8	Twitter 12:8	Twitter's	276:13
trend 149:19	31:20	17:23 24:1	150:16	277:6
trends 287:6	51:11 61:5	41:25 45:7	232:17	281:15,17
291:11	63:17,20	45:8,15,22	two 13:4	281:19
triage	70:10,22	46:4,11	16:12	289:6,11
198:22,25	74:12	49:9 62:20	20:11	295:9
199:1	78:11 95:3	66:22,23	22:24	296:8
tried 204:22	126:4	69:9 76:19	25:11,16	297:13
troll 31:13	151:22	85:10	27:7 29:17	Tyler 48:24

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Phone: 1.800.280.3376

Fax: 314.644.1334

ELVIS CHAN 11/29/2022

type 13:7,15	100:11	267:2	226:17	update
13:18 18:9	102:22	300:21	237:23,24	239:22,23
19:1,7	typically	304:8,9,10	understands	239:24
29:20,24	20:9 24:15	304:16,17	30:21	updated
31:10	25:10 43:5	304:18	Understood	205:6,24
50:22	43:8,13	305:8,8,9	111:12	206:18
88:21	44:14,18	305:10	148:19	updates
100:11	62:7 74:13	U.S.-person	unfortun...	50:16
136:6,8,10	93:15 98:7	113:12	148:24	205:12
136:18	98:24	uh-huh 10:2	161:6	206:19
138:2	100:4,13	89:8	206:17	285:19
139:3	103:2	103:23	240:18	updating
156:14	110:2,4,9	119:4	242:11	206:3
163:10,13	110:19	131:17	305:14	uploaded
230:24	119:24	135:7	unique 19:4	85:1
254:9	123:8	uh-huhs 9:25	66:13	204:24
264:2,8,9	124:1	ultimately	unit 109:12	URL 97:15
266:15	135:16	33:21	109:13	URLs 96:7,25
268:22	140:4	unauthor...	152:3,3	98:1,16
269:18	281:3	174:16	182:24	99:13,18
308:1,6	289:5	unclassi...	184:5,7,8	100:13
types 13:4	293:6	108:6	185:7	111:3
29:18 43:6		154:24	186:13	146:23
43:7 62:2	U	156:25	303:14,24	306:20
65:16	U.S 4:12,13	283:5,8	305:19,21	use 20:10
99:15,16	6:15,18	unclear 9:20	United 1:1	31:11
99:22	11:5 12:9	underlying	7:15 34:4	61:24 69:5
111:15	15:20,21	69:9	84:22	73:12
112:3	15:24 17:6	understand	141:21	88:12,13
117:19,23	24:7 29:8	9:12 23:1	194:16	89:8 90:17
117:25	29:18,25	195:2	196:21	91:8,14,18
120:22	35:16,21	250:20	units 110:10	102:23
125:14	37:9,12,18	269:14	University	112:2
136:1	112:21	understa...	10:13	136:18,23
137:7	127:4,18	21:1,3	56:12	137:4,24
185:23	138:11	36:10	58:10 87:3	148:18
199:4	150:24	43:21 44:1	unpack 17:5	204:21,22
204:21	155:2,6	46:10	39:17	204:22
226:11	158:24	49:15,22	unparall...	235:20
238:2,3	159:6,15	50:2 61:10	84:23	236:15
250:21	211:9	61:18	unprotected	255:21
253:25	218:12	71:11	72:22	297:12
261:7	222:4	78:14 80:5	unreliable	298:20,22
264:20	224:14	80:7 98:6	267:25	302:12
273:6	235:17,18	134:15	unwitting	useful 89:4
278:23	235:23	137:14	142:1	89:6
286:9	236:22	145:3	146:2,11	137:20,22
288:17	263:14	153:22	upcoming	137:23
typical	266:6	164:10	259:17	138:3,13

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ELVIS CHAN 11/29/2022

280:23	180:24	63:4 67:14	249:12	videos 85:1
user 70:4	181:8,13	69:23	vast 16:10	85:3
73:25	185:20	70:13	291:8	VIDEOTAPED
82:22 83:8	186:5	73:18	Vegas 275:15	1:17
86:22	189:6,22	74:21	vendors	view 48:5
92:25	191:11	75:23	136:1	115:19
93:23 96:6	192:2	78:18	137:3,8,8	117:9,18
98:16	204:6	79:13 92:3	137:11	243:20
114:14	209:17	92:16 94:8	139:23	247:7
264:4	210:13,18	95:5 102:2	venue 139:22	255:25
265:21	211:6,13	102:21	veracity	262:17
user's	213:10	103:4	228:12	269:24
139:12	218:7,11	104:14	verbatim	viewed 81:6
user-gen...	218:18,21	137:25	58:13	247:13,21
146:8	219:7	142:25	verify 111:4	256:4
users 14:15	220:3	146:9,20	232:23	viewers 14:3
60:6 63:19	277:11,23	154:1	Verizon 24:2	14:6,12
65:14 66:3	278:4	156:19	155:8	15:3,11,13
66:4,10,23	279:25	159:24	version	70:11
67:13 74:7	280:12,24	162:6	283:15	viewing 62:1
75:18	281:17	166:1	287:24	68:3,7
78:17 85:9	282:7	168:23	299:1	71:7
85:15 86:8	284:24	175:2	versus 6:15	137:19
86:16	286:4,24	193:2	196:21	views 62:8
93:13 96:6	290:20,22	199:22	259:6	62:10,12
113:15	usually	203:1	299:23	66:11,13
114:25	25:17,18	204:17	victim	74:19
143:17	75:2 104:3	210:14	205:10	80:23
144:2,23	110:10	238:23	video 236:14	148:5,5
145:5,10	113:4	264:1,6	video-re...	vigilant
145:13	170:4,7,14	268:14	6:13	173:11
146:25	278:3	validate	videocon...	207:5
157:19		33:14	20:8	violate 93:9
158:12,17	V	253:1	236:15	93:20
158:20,20	v 28:14,15	validating	videocon...	130:7
232:13,15	28:16	248:11	236:11	166:6,9
241:5	312:5	validation	videogra...	249:25
users' 74:9	313:2	78:10	6:9,23	252:7,12
235:6	Vacher 44:15	254:7	7:12 22:12	270:3
USG 186:1	vague 14:9	values 30:7	22:15 77:9	274:2
228:4	18:4,13	30:9,10	77:12	violated
280:13	26:16 27:5	varies	96:12,15	165:13
287:4	27:19	100:16	106:5,7,10	violates
USG-indu...	41:19 43:4	various 49:8	140:13	217:10
170:4,7,14	43:19	49:21 65:4	141:4	262:15
172:2	44:25	86:8 96:20	180:10,13	274:1,8
177:13	49:25	144:22	234:14,17	violating
178:1,16	50:10	162:19	287:15,18	232:17
179:7	56:18 61:8	165:6	309:16	violation

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ELVIS CHAN 11/29/2022

167:14	23:3,4	74:20	228:23	266:2,22
269:25	26:3 28:19	114:22	248:2	269:7
violations	52:14	264:5	251:3	week 40:11
93:2 122:7	53:13	warn 174:23	268:1	40:14,19
122:10	58:23	warned	291:22	40:22,25
virtually	61:12	172:23,24	Wayne 182:23	260:4
87:12	68:14	174:12	we'll 21:7	weekly 40:6
visited	73:24	175:10	60:23	40:12,17
117:21	75:21	warrant 23:8	195:13	40:21
118:6,8	77:15	249:19	242:21	41:10
visits	88:15,16	250:4,24	we're 10:9	42:21 44:9
118:14	88:16	251:8,9,13	37:5 39:21	89:16
voice 236:13	97:14 99:5	252:4	94:16	177:17
voices 16:2	120:12	warrants	103:22	181:2
16:4	128:6	111:18	106:7	182:15
172:12	140:10	wash 293:14	120:10	218:24
volume 168:3	141:6	293:15	159:21	219:12,14
299:20	169:24	294:7,10	273:8	219:16
vote 265:7,8	179:6,23	294:17,23	294:12	220:5,14
266:1,2,21	194:24	295:4,5	we've 97:22	228:4
266:21	202:22,23	Washington	103:16	288:14
268:1	203:3,10	2:11,17	272:9	289:2,6
269:5,6	227:7	8:21 10:14	web 72:25	297:19
voter 79:5	234:12	16:8 25:7	73:7	weeks 217:19
voters 80:16	239:13	56:13	Webex 20:11	219:15,16
141:21	242:16	109:3	webinars	220:6
149:20	249:11,12	183:25	137:7,18	243:11,24
votes 240:16	264:12	312:4	137:20	244:7
voting 59:13	286:11	wasn't 74:18	website	245:2
163:6,24	293:14,24	140:1	14:14 30:6	went 27:10
164:12,13	wanted 72:11	145:13	141:12,15	137:17
164:16	93:14	197:1	141:17	243:14
267:25	96:18	296:12	142:11,13	266:19
268:16	99:23	way 24:22	143:18,18	294:14,20
270:12	120:2	35:11	143:24,25	295:1
vs 1:8	129:13	57:14	144:3	West 2:5
vulnerab...	152:17	62:22	229:24	western 1:2
272:23	206:7,8	78:15	263:8,11	6:16 31:9
	240:17	82:10,13	websites	31:20
W	249:5,8,16	85:21	13:21	WhatsApp
wait 28:23	249:17	86:17 95:1	15:17	12:20
waiting	275:25	111:19	31:23 78:3	Wikimedia
258:21,22	280:16	131:22	143:4,7	24:2 42:7
waived 164:4	289:4	132:16	146:23	155:7
waiver	299:15	133:3	147:1	156:1
194:17	302:2	193:6	251:10	William
want 17:4	wanting	213:7	Wednesday	181:22
18:7 19:21	289:2	214:12	168:7	182:3,23
20:10,20	wants 22:25	224:19	265:8	183:12

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ELVIS CHAN 11/29/2022

89:22	114:17	268:21	8:16 38:16	145:1
179:20	115:16	270:6	38:21 50:5	162:1
withdraw	117:13	274:12	217:17	227:3
22:19	121:19	277:19	234:25	232:18
94:18,20	122:13	282:11,24	235:8	290:1
withholding	128:15	293:25	295:8	299:13
202:23	129:11,21	299:13	working	
203:4	131:1,3	300:12	18:24	<hr/> X <hr/>
witness 8:2	132:7	303:3	19:13	X 67:3
11:12	133:14	306:9	23:22 26:9	227:20
14:21	137:2	310:15	27:15 57:8	264:3,5,13
18:15 21:3	138:1,23	311:1	120:20	264:16
21:21 27:6	140:12	312:12	139:8	xvii 37:2
28:17	143:1	313:1,25	155:6	xxii 38:9
30:17,25	144:6	witnessed	238:7	
32:16	146:10,21	18:23	273:2,8,17	<hr/> Y <hr/>
33:12 34:7	150:12	word 123:2	277:11	Y 227:20
35:8 36:9	153:22	220:20,21	284:18,20	Yahoo 24:1
36:21	154:2	226:5,24	287:5	41:25
41:15,20	156:20	worded 224:8	307:10	47:17,19
43:5,21	160:1,23	224:10	works 24:22	48:15 49:9
45:1 48:8	162:8	words 14:17	27:1,2	91:18
49:15 50:2	166:2	33:25	238:10	153:7
50:11	168:24	74:16	world 136:7	235:1,3,4
56:19	171:16	85:15	wouldn't	235:6,19
61:10 63:5	172:22	111:2	72:16	235:20,22
63:24	174:7	133:2	115:16	235:22
64:21	175:4	137:23	220:20	236:18
65:12	176:14	217:13	250:6	237:22
67:16 68:6	184:20	270:7	273:5	239:9,18
68:18 69:2	187:19	work 25:21	307:15	239:24
69:24	188:11,24	25:22,24	Wray 246:3	240:4
70:15	189:14	25:25 26:1	write 142:2	yeah 17:13
71:10	193:3	26:8 27:14	143:25	17:25
72:16	195:17	48:9 53:8	289:16	20:24 22:8
73:20	200:1,22	53:10	290:7	22:21
74:23	202:2,6	83:14	writing 53:7	23:13
75:24	204:18	159:16	142:7	25:15,15
78:20	208:4	164:3	148:2	28:24
79:15 82:2	213:24	182:23	written	30:11 36:9
83:7 90:21	224:5	223:19	145:4	36:21 37:5
92:4,17	228:21	238:16	289:24	40:23,23
94:9 95:6	231:9,20	266:6	wrong 166:13	44:8,13
102:3,22	233:8	276:4,7,12	166:14	45:1 47:3
103:5	238:24	276:14,18	269:22	51:17 53:1
104:16	240:11	276:20	wrote 70:21	53:15
105:13	246:1,12	277:4,6,8	77:21	54:13 55:3
111:9,12	252:1	287:12	84:14	55:13
112:21	256:22	worked 8:14	127:9,22	59:11,16

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ELVIS CHAN 11/29/2022

62:14,14	219:12	45:19 46:5	11:10	12:27 140:14
62:20,23	223:25	124:17	28:10	121 4:16
63:7,24	224:5,22	217:1,2	86:13	288:4
66:10,13	225:8	229:3	141:8	1225 2:17
66:17	226:23	233:1	260:15	12333 111:25
67:10,25	228:21	York 3:10	1,233 150:7	126 66:4
68:6,18	232:8,8	155:5	1.4 66:23	86:13
70:15	236:17	156:1	1:20 141:5	13 4:23
73:20 74:7	237:1	214:9	10 4:16	258:24,25
75:1,8,20	241:7	229:23	217:22,23	259:3,10
76:24 77:6	243:13	230:12,22	218:3,4,20	134,943
77:21,22	244:10	232:3,14	260:15	81:18
79:9 80:10	249:8	243:25	10:00 167:25	135954
80:15 81:6	250:9	Younes 2:18	301:19	314:24
82:2 83:4	252:1	7:6	10:45 77:10	14 229:22
83:18 84:5	254:5,16	YouTube	10:58 77:12	300:12
84:13,14	257:5	12:12,15	100 167:5	146 299:25
84:17,19	258:13	12:16 85:1	175:6	149 4:14
86:15,18	259:4,11	91:12	100,000	14th 213:21
93:22	259:19	112:19	62:12 87:3	230:15
94:21	260:1	119:11	104 161:15	300:5
96:24 97:3	261:1	125:18,19	10710 1:24	15 5:6 271:2
97:14	266:24	134:8	310:9	271:3,4
99:15,20	271:15	248:18	11 4:11	16 50:13
110:17	272:20,20	YouTube/...	218:2,24	163 302:17
117:15	273:23	211:3	260:15	168 306:5
118:5	276:25		11/19/2020	169 4:17
126:9,22	282:11	Z	306:10	17 8:16 51:8
127:9	285:2	Z 227:20	11:02 300:5	232:11
129:17	291:24	zero 133:25	300:13	293:12
132:8,14	292:21,23	134:5	11:17 292:17	17th 294:1
133:1,2	292:23	Zoom 1:17	292:22	18 111:17
134:4,21	293:6	6:1,5 20:6	11:22 96:12	207:15
135:2,8,8	294:2,6,8	20:9 141:1	11:27 96:16	185 127:25
139:18	year 10:20	Zuckerberg	11:39 292:18	1885 3:5
144:6	11:18	116:25	11:40 106:8	19 37:4 85:9
151:21	17:12	131:24	11:43 106:11	191250 2:22
152:2,25	19:17,18	242:13	1100 2:11	196 5:8
158:8	19:20 20:4	243:3,14	312:3	1991 194:4
160:1	42:6 47:7	244:4,25	1152 194:3	19th 2:17
169:20	109:18	245:15	11542 3:10	302:25
170:6	236:25	255:15	1159 194:3	
184:9	years 8:17	Zuckerbe...	118 157:7	2
188:11	8:20 41:11	255:9	11th 312:19	2 4:15
194:25	171:13		12 163:10	287:20,23
200:1	173:24	0	229:21	2:11 180:10
214:13,15	194:10	1	230:3	2:34 180:14
214:21	Yep 37:5	1 4:11 11:8	12:16:09	2:34:35
218:2	Yoel 4:20		294:1	243:5

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ELVIS CHAN 11/29/2022

20142:6	205:16	115:20	251:16	310:14
314:14	201789:20	120:6	253:7	2164:20
20-214:3	120:5,8	135:2	255:20	2212:5
200362:17	125:23	141:16	259:15,23	22380:23
20118:22	201816:23	143:23	260:5	81:1,6,7
20148:22	37:15	147:10,18	272:9,12	223,799
2015237:1,8	42:18 55:2	148:14	288:6	80:17,25
20165:9	55:3,20	150:25	292:17,22	2253:6
13:12,14	64:24	152:21	293:12,13	235:8
29:5 37:15	65:10 78:7	155:2,4	294:1	196:14,18
39:16	87:16	161:19,25	298:10,12	230121:23
64:10,21	115:19	162:4,12	299:2,21	2438:11
65:1,9	120:6	167:19,21	300:5,12	301:15
66:4,24	132:12	168:1	302:25	2414:21
78:4 84:10	133:25	171:18,19	308:15,18	2493:10
85:19	134:2	172:1,20	20214:14	2558:24
87:13	148:12	176:9	10:20	2584:23
115:5	149:14	179:9	11:19	2703(d)
125:22,23	168:2	180:17	159:12	111:18
126:16,20	217:23	182:10	161:1	2715:6
133:12,22	201953:13	189:20	284:4	284:22,24
133:25	53:17	192:5,12	20221:16	6:11
134:1	120:6	199:14,20	5:7 6:1,4	241:20,21
147:20	149:9	200:2,14	6:11 19:23	244:1
173:14	151:10	201:8,10	19:24	259:15,23
174:9	155:13	201:17,23	23:23	310:21
176:8	2022:13,18	202:12,15	26:21 27:9	28(a)(1))
178:11	20204:13,16	203:12,20	39:24 40:9	310:11
190:13	4:24 11:4	204:4	42:3	28(a)(a))
193:1,16	12:5 16:11	205:13,14	100:18	310:16
195:22	19:17	206:16,20	101:11,17	2874:15
196:1,5,7	23:23	208:16,19	141:1	291:16 5:7
196:9	26:19 29:6	208:23	148:15	5:9 6:1
198:8	31:6 37:14	212:9,23	167:18	67:2 141:1
199:11,16	38:16,21	213:22	203:23	271:10
205:20	39:20 40:8	214:4	271:10,15	292:17,22
206:16	41:20,22	215:23	272:3,13	312:8
208:9,11	41:23,24	216:8	273:18	313:3
235:1	46:16 50:5	219:3,7,11	284:4,25	295302:11
236:25	54:14,22	220:1,7	288:6	312:4
237:2,8	54:24,24	221:11	298:10,18	29th6:3,11
238:6	54:25	225:25	298:20,22	271:15
240:8,24	64:25	226:3,21	299:18	2nd83:17
244:13	65:17 78:7	229:22	312:2,8	286:13
257:22,24	87:17	230:15	313:3	
258:10	100:22	241:20,25	202441:7,11	3
270:18	101:9	244:1,19	204:1	34:24 5:7
2016-style	109:11	245:14	285:4	79:1,9
172:25	112:12	246:15	2093(b)	80:6,13,15

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ELVIS CHAN 11/29/2022

261:3	5:15 287:19	216:18, 22		
3, 613 132:13	5:47 309:18	272:1		
134:1	309:20	8:00 167:24		
3:22-cv-...	50 111:22	301:18		
1:9	167:7	8:32 197:17		
3:43 234:14	500 235:5	825 147:12		
3:57 234:18	516 3:11	148:19		
30 69:13	532-5748	85 141:11		
77:15	2:13	86 293:10, 21		
312:18	56 242:8, 13			
30 (e)) 311:7	243:1	9		
30 (f) (1))	573 2:7	9 4:21		
311:2	58 84:17	241:12, 15		
308 4:6	59 85:9, 13	261:2, 4		
314 2:23	85:20	300:11		
32 78:24	241:4	9:07 6:5, 12		
326-6705 3:6		9:07:16		
329-5040	6	306:10		
2:23	6 4:17	9:27 22:13		
34 84:16	169:11, 19	9:37 22:16		
35 65:12, 15	169:21	91 4:22		
86:13	277:12, 17	918-6902		
37 169:24	61 141:10	2:18		
278:2	63 144:20	929, 000		
38 277:21	63101 312:19	149:11, 23		
3rd 272:12	63119 2:22	94 147:9		
	65101 2:5	157:7		
4	66 126:11	946 194:3		
4 4:20 5:9	671-2688	95 4:19		
79:1 81:13	3:11	96, 678 83:20		
41 51:13, 13		99 81:2, 6		
42 126:9, 10	7	158:23		
422 149:10	7 81:4 272:2			
149:23	70 3:10			
450 2:17	128:9			
46 128:6, 9	147:8			
47 132:10	251:9			
49 58:25	70802 3:5			
132:22	711 312:18			
4th 151:10	751-8870 2:7			
155:12	76 68:9			
197:17	150:21			
	763 67:17			
5	68:1			
5 147:9	78, 000			
304:23	240:15			
305:7				
312:2	8			
5:04 287:15	8 4:5, 20			

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